

FOR CONSIDERATION By the Committee on Environmental
Preservation and Conservation

592-121A-07

1 A bill to be entitled
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 Wildflower
6 Foundation, Inc.; specifying uses of the
7 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; providing for expiration and
14 enforcement of a lien on real property
15 concerning compliance with waste-tire
16 requirements; amending s. 403.7095, F.S.,
17 relating to the solid waste management grant
18 program; conforming a cross-reference; amending
19 s. 403.7125, F.S.; deleting certain definitions
20 that appear elsewhere in law; clarifying
21 requirements concerning financial assurance for
22 closure of a landfill; amending s. 403.716,
23 F.S.; deleting provisions relating to the
24 training and employment of certain facility
25 operators; amending s. 403.717, F.S.;
26 clarifying provisions relating to waste tires
27 and the processing of waste tires;
28 transferring, renumbering, and amending s.
29 403.7221, F.S.; increasing the duration of
30 certain research, development, and
31 demonstration permits; authorizing issuance of

1 such a permit to a hazardous waste management
2 facility; amending s. 403.722, F.S.; clarifying
3 provisions relating to who is required to
4 obtain certain hazardous waste permits;
5 providing for operation or closure of certain
6 existing facilities that must, due to a rule
7 change, be permitted as hazardous waste
8 facilities; amending s. 403.7226, F.S.;
9 deleting a requirement to submit an annual
10 state assessment concerning needs for hazardous
11 waste management; amending s. 403.724, F.S.;
12 clarifying certain financial-assurance
13 provisions; amending s. 403.7255, F.S.;
14 revising requirements regarding signs to notify
15 the public about hazardous waste contamination
16 of certain sites; amending s. 403.726, F.S.;
17 authorizing the Department of Environmental
18 Protection to issue an order to abate certain
19 hazards; amending s. 403.7265, F.S.; deleting
20 provisions requiring a statewide local
21 hazardous waste management plan; requiring a
22 local government to provide matching funds for
23 grants concerning conditionally exempt or
24 household hazardous waste under certain
25 conditions; repealing s. 403.7075, F.S.,
26 relating to the submission of a plan or
27 application for certain permits for a solid
28 waste management facility; repealing s.
29 403.756, F.S., relating to an annual used-oil
30 report; repealing s. 403.7895, F.S., relating
31 to permitting and a certification of need for a

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

10 Be It Enacted by the Legislature of the State of Florida:
11

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

14 320.08058 Specialty license plates.--

15 (28) FLORIDA WILDFLOWER LICENSE PLATES.--

16 (a) The department shall develop a Florida Wildflower
17 license plate as provided in this section. The word "Florida"
18 must appear at the top of the plate, and the words "State
19 Wildflower" and "coreopsis" must appear at the bottom of the
20 plate.

21 (b) The annual use fees shall be distributed to the
22 Wildflower Foundation, Inc., a nonprofit corporation under s.
23 501(c)(3) of the Internal Revenue Code ~~Wildflower Account~~
24 ~~established by Keep Florida Beautiful, Inc., created by s.~~
25 ~~403.4131.~~ The proceeds must be used to establish native
26 Florida wildflower research programs, wildflower educational
27 programs, and wildflower grant programs to municipal, county,
28 and community-based groups in this state.

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

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

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

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

18 403.413 Florida Litter Law.--

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

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

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

1 | the operator or owner of the boat, or both, shall be deemed in
2 | violation of this section; or

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

8 | Section 3. Section 403.4131, Florida Statutes, is
9 | amended to read:

10 | 403.4131 Litter control ~~"Keep Florida Beautiful,~~
11 | ~~Incorporated"; placement of signs.--~~

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

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

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

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

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

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

7 ~~(d) Developing educational programs and materials that~~
8 ~~promote the proper management of solid waste, including the~~
9 ~~proper disposal of litter.~~

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

13 (1)(3) The Department of Transportation shall
14 establish an "adopt-a-highway" program to allow local
15 organizations to be identified with specific highway cleanup
16 and highway beautification projects authorized under s.
17 ~~339.2405 and shall coordinate such efforts with Keep Florida~~
18 ~~Beautiful, Inc.~~ The department shall report to the Governor
19 and the Legislature on the progress achieved and the savings
20 incurred by the "adopt-a-highway" program. The department
21 shall also monitor and report on compliance with provisions of
22 the adopt-a-highway program to ensure that organizations that
23 participate in the program comply with the goals identified by
24 the department.

25 (2)(4) The Department of Transportation shall place
26 signs discouraging litter at all off-ramps of the interstate
27 highway system in the state. The department shall place other
28 highway signs as necessary to discourage littering ~~through use~~
29 ~~of the antilitter program developed by Keep Florida Beautiful,~~
30 ~~Incorporated.~~

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

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

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

28 ~~(8) The Legislature establishes a litter reduction~~
29 ~~goal of 50 percent reduction from the period January 1, 1994,~~
30 ~~to January 1, 1997. The method of determination used to~~
31 ~~measure the reduction in litter is the survey conducted by the~~

1 ~~Center for Solid and Hazardous Waste Management. The center~~
2 ~~shall consider existing litter survey methodologies.~~

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

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

1 ~~of the committee may include representatives from the Florida~~
2 ~~Federation of Garden Clubs, Inc., Think Beauty Foundation, the~~
3 ~~Florida Chapter of the American Society of Landscape~~
4 ~~Architects, Inc., and a representative of the Master~~
5 ~~Gardener's Program.~~

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

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

15 403.41315 Comprehensive illegal dumping, litter, and
16 marine debris control and prevention.--

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

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

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

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

1 403.4133 Adopt-a-Shore Program.--

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

9 Section 6. Section 403.703, Florida Statutes, is
10 amended to read:

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

13 403.703 Definitions.--As used in this part, the term:

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

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

28 (3) "Biological waste" means solid waste that causes
29 or has the capability of causing disease or infection and
30 includes, but is not limited to, biomedical waste, diseased or
31 dead animals, and other wastes capable of transmitting

1 pathogens to humans or animals. The term does not include
2 human remains that are disposed of by persons licensed under
3 chapter 497.

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

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

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

2 The term also includes:

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

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

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

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

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

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

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

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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.

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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 sale or use of the
23 dredged ~~dredge and fill~~ material and may specify such other
24 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~~

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 proof of financial assurance is
23 | provided by the proposed new permittee.

24 | (b) Until the transfer is approved by the department,
25 | the existing permittee is liable for compliance with the
26 | permit, including the financial-assurance requirements. When
27 | the transfer has been approved, the department shall return to
28 | the transferring permittee any means of proof of financial
29 | assurance which the permittee provided to the department and
30 | the permittee is released from obligations to comply with the
31 | transferred permit.

1 (c) An application for the transfer of a permit must
2 clearly state in bold letters that the permit may not be
3 transferred without proof of compliance with
4 financial-assurance requirements. Until the permit is
5 transferred, the new owner or operator may not operate the
6 facility without the express consent of the permittee.

7 (d) The department may adopt rules to administer this
8 subsection, including procedural rules and the permit-transfer
9 form.

10 Section 13. Section 403.7071, Florida Statutes, is
11 created to read:

12 403.7071 Management of storm-generated debris.--Solid
13 waste generated as a result of a storm event that is the
14 subject of an emergency order issued by the department may be
15 managed as follows:

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

24 (2) The department may issue field authorizations for
25 staging areas in those counties affected by a storm event.
26 Such staging areas may be used for the temporary storage and
27 management of storm-generated debris, including the chipping,
28 grinding, or burning of vegetative debris. Field
29 authorizations may include specific conditions for the
30 operation and closure of the staging area and must specify the
31 date that closure is required. To the greatest extent

1 possible, staging areas may not be located in wetlands or
2 other surface waters. The area that is used or affected by a
3 staging area must be fully restored upon cessation of the use
4 of the area.

5 (3) Storm-generated vegetative debris managed at a
6 staging area may be disposed of in a permitted lined or
7 unlined landfill, a permitted land clearing debris facility, a
8 permitted or certified waste-to-energy facility, or a
9 permitted construction and demolition debris disposal
10 facility. Vegetative debris may also be managed at a
11 permitted waste processing facility or a registered yard-trash
12 processing facility.

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

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

29 (6) Local governments or their agents may conduct the
30 burning of storm-generated yard trash, other storm-generated
31 vegetative debris, or untreated wood from construction and

1 demolition debris in air-curtain incinerators without prior
2 notice to the department. Within 10 days after commencing such
3 burning, the local government shall notify the department in
4 writing describing the general nature of the materials burned;
5 the location and method of burning; and the name, address, and
6 telephone number of the representative of the local government
7 to contact concerning the work. The operator of the
8 air-curtain incinerator is subject to any requirement of the
9 Division of Forestry or of any other agency concerning
10 authorization to conduct open burning. Any person conducting
11 open burning of vegetative debris is also subject to such
12 requirements.

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

15 403.708 Prohibition; penalty.--

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

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

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

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

29 (2) A ~~No~~ beverage may not ~~shall~~ be sold or offered for
30 sale within the state in a beverage container designed and
31

1 constructed so that the container is opened by detaching a
2 metal ring or tab. As used in this subsection, the term

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

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

9 ~~(a)(b)~~ "Beverage" means soda water, carbonated natural
10 or mineral water, or other nonalcoholic carbonated drinks;
11 soft drinks, whether or not carbonated; beer, ale, or other
12 malt drink of whatever alcoholic content; or a mixed wine
13 drink or a mixed spirit drink.

14 ~~(b)(c)~~ "Beverage container" means an airtight
15 container that ~~which~~ at the time of sale contains 1 gallon or
16 less of a beverage, or the metric equivalent of 1 gallon or
17 less, and that ~~which~~ is composed of metal, plastic, or glass
18 or a combination thereof.

19 ~~(3)(4)~~ The Division of Alcoholic Beverages and Tobacco
20 of the Department of Business and Professional Regulation may
21 impose a fine of not more than \$100 on any person currently
22 licensed pursuant to s. 561.14 for each violation of ~~the~~
23 ~~provisions of~~ subsection (2). If the violation is of a
24 continuing nature, each day during which such violation occurs
25 constitutes ~~shall constitute~~ a separate ~~and distinct~~ offense
26 and is ~~shall be~~ subject to a separate fine.

27 ~~(4)(5)~~ The Department of Agriculture and Consumer
28 Services may impose a fine of not more than \$100 against ~~on~~
29 any person not currently licensed pursuant to s. 561.14 for
30 each violation of the provisions of subsection (2). If the
31 violation is of a continuing nature, each day during which

1 such violation occurs constitutes ~~shall constitute~~ a separate
2 ~~and distinct~~ offense and is ~~shall be~~ subject to a separate
3 fine.

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

15 ~~(6)(7)~~ The Division of Alcoholic Beverages and Tobacco
16 and the Department of Agriculture and Consumer Services shall
17 coordinate their responsibilities under ~~the provisions of~~ this
18 section to ensure that inspections and enforcement are
19 accomplished in an efficient, cost-effective manner.

20 ~~(7)(8)~~ A person may not distribute, sell, or expose
21 for sale in this state any plastic bottle or rigid container
22 intended for single use unless such container has a molded
23 label indicating the plastic resin used to produce the plastic
24 container. The label must appear on or near the bottom of the
25 plastic container product and be clearly visible. This label
26 must consist of a number placed inside a triangle and letters
27 placed below the triangle. The triangle must be equilateral
28 and must be formed by three arrows, and, in the middle of each
29 arrow, there must be a rounded bend that forms one apex of the
30 triangle. The pointer, or arrowhead, of each arrow must be at
31 the midpoint of a side of the triangle, and a short gap must

1 separate each pointer from the base of the adjacent arrow.
2 The three curved arrows that form the triangle must depict a
3 clockwise path around the code number. Plastic bottles of less
4 than 16 ounces, rigid plastic containers of less than 8
5 ounces, and plastic casings on lead-acid storage batteries are
6 not required to be labeled under this subsection ~~section~~. The
7 numbers and letters must be as follows:

8 (a) For polyethylene terephthalate, the letters "PETE"
9 and the number 1.

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

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

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

15 (e) For polypropylene, the letters "PP" and the number
16 5.

17 (f) For polystyrene, the letters "PS" and the number
18 6.

19 (g) For any other, the letters "OTHER" and the number
20 7.

21 ~~(8)(9)~~ A ~~No~~ person may not ~~shall~~ distribute, sell, or
22 expose for sale in this state any product packaged in a
23 container or packing material manufactured with fully
24 halogenated chlorofluorocarbons~~(CFC)~~. Producers of containers
25 or packing material manufactured with chlorofluorocarbons
26 ~~(CFC)~~ are urged to introduce alternative packaging materials
27 that ~~which~~ are environmentally compatible.

28 ~~(9)(10)~~ The packaging of products manufactured or sold
29 in the state may not be controlled by governmental rule,
30 regulation, or ordinance adopted after March 1, 1974, other
31 than as expressly provided in this act.

1 ~~(10)(11)~~ Violations of this part or rules,
2 regulations, permits, or orders issued thereunder by the
3 department and violations of approved local programs of
4 counties or municipalities or rules, regulations, or orders
5 issued thereunder are ~~shall be~~ punishable by a civil penalty
6 as provided in s. 403.141.

7 ~~(11)(12)~~ The department or any county or municipality
8 may also seek to enjoin the violation of, or enforce
9 compliance with, this part or any program adopted hereunder as
10 provided in s. 403.131.

11 ~~(12)(13)~~ A ~~In accordance with the following schedule,~~
12 ~~no~~ person who knows or ~~who~~ should know of the nature of the
13 following types of such solid waste may not ~~shall~~ dispose of
14 such solid waste in landfills:

15 (a) Lead-acid batteries, ~~after January 1, 1989.~~
16 Lead-acid batteries also may ~~shall~~ not be disposed of in any
17 waste-to-energy facility ~~after January 1, 1989.~~ To encourage
18 proper collection and recycling, all persons who sell
19 lead-acid batteries at retail shall accept used lead-acid
20 batteries as trade-ins for new lead-acid batteries.

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

22 (c) Yard trash, ~~after January 1, 1992, except in lined~~
23 ~~unlined~~ landfills classified by department rule as Class I
24 landfills. Yard trash that is source separated from solid
25 waste may be accepted at a solid waste disposal area where ~~the~~
26 ~~area provides and maintains~~ separate yard trash composting
27 facilities are provided and maintained. The department
28 recognizes that incidental amounts of yard trash may be
29 disposed of in Class I lined landfills. In any enforcement
30 action taken pursuant to this paragraph, the department shall
31

1 consider the difficulty of removing incidental amounts of yard
2 trash from a mixed solid waste stream.

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

4
5 ~~Prior to the effective dates specified in paragraphs (a) (d),~~
6 ~~the department shall identify and assist in developing~~
7 ~~alternative disposal, processing, or recycling options for the~~
8 ~~solid wastes identified in paragraphs (a) (d).~~

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

11 403.709 Solid Waste Management Trust Fund; use of
12 waste tire fees.--There is created the Solid Waste Management
13 Trust Fund, to be administered by the department.

14 (1) ~~From~~ The annual revenues deposited in the trust
15 fund, unless otherwise specified in the General Appropriations
16 Act, shall be used to:

17 (a)(1) ~~Fund Up to 40 percent shall be used for funding~~
18 solid waste activities of the department and other state
19 agencies, such as providing technical assistance to local
20 governments and the private sector, performing solid waste
21 regulatory and enforcement functions, preparing solid waste
22 documents, and implementing solid waste education programs.

23 (b)(2) ~~Fund Up to 4.5 percent shall be used for~~
24 ~~funding~~ research and training programs relating to solid waste
25 management through the Center for Solid and Hazardous Waste
26 Management and other organizations that ~~which~~ can reasonably
27 demonstrate the capability to carry out such projects.

28 (c)(3) ~~Up to 11 percent shall be used for funding to~~
29 Supplement any other funds provided to the Department of
30 Agriculture and Consumer Services for mosquito control. This
31 distribution shall be annually transferred to the General

1 Inspection Trust Fund in the Department of Agriculture and
2 Consumer Services to be used for mosquito control, especially
3 control of West Nile Virus.

4 ~~(d)(4) Fund Up to 4.5 percent shall be used for~~
5 ~~funding to the Department of Transportation for litter~~
6 ~~prevention and control programs at the local level coordinated~~
7 ~~by Keep Florida Beautiful, Inc.~~

8 ~~(e)(5) Fund A minimum of 40 percent shall be used for~~
9 ~~funding a competitive and innovative grant program pursuant to~~
10 ~~s. 403.7095 for activities relating to recycling and reducing~~
11 ~~the volume of municipal solid waste, including waste tires~~
12 ~~requiring final disposal.~~

13 ~~(2)(6)~~ The department shall recover to the use of the
14 fund from the site owner or the person responsible for the
15 accumulation of tires at the site, jointly and severally, all
16 sums expended from the fund pursuant to this section to manage
17 tires at an illegal waste tire site, except that the
18 department may decline to pursue such recovery if it finds the
19 amount involved too small or the likelihood of recovery too
20 uncertain. If a court determines that the owner is unable or
21 unwilling to comply with the rules adopted pursuant to this
22 section or s. 403.717, the court may authorize the department
23 to take possession and control of the waste tire site in order
24 to protect the health, safety, and welfare of the community
25 and the environment.

26 ~~(3)(7)~~ The department may impose a lien on the real
27 property on which the waste tire site is located and the waste
28 tires equal to the estimated cost to bring the tire site into
29 compliance, including attorney's fees and court costs. Any
30 owner whose property has such a lien imposed may release her
31 or his property from any lien claimed under this subsection by

1 filing with the clerk of the circuit court a cash or surety
2 bond, payable to the department in the amount of the estimated
3 cost of bringing the tire site into compliance with department
4 rules, including attorney's fees and court costs, or the value
5 of the property after the abatement action is complete,
6 whichever is less. A lien provided by this subsection may not
7 continue for a period longer than 4 years after the abatement
8 action is completed, unless within that period an action to
9 enforce the lien is commenced in a court of competent
10 jurisdiction. The department may take action to enforce the
11 lien in the same manner used for construction liens under part
12 I of chapter 713.

13 ~~(4)(8)~~ This section does not limit the use of other
14 remedies available to the department.

15 Section 16. Subsection (5) of section 403.7095,
16 Florida Statutes, is amended to read:

17 403.7095 Solid waste management grant program.--

18 (5) From the funds made available pursuant to s.
19 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by
20 this section, the following distributions shall be made:

21 (a) Up to 15 percent for the program described in
22 subsection (1);

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

25 (c) Up to 50 percent for the program described in
26 subsection (4).

27 Section 17. Section 403.7125, Florida Statutes, is
28 amended to read:

29 403.7125 Financial assurance for closure landfill
30 ~~management escrow account.~~--

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

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

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

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

16 ~~(1)(2)~~ Every owner or operator of a landfill is
17 jointly and severally liable for the improper operation and
18 closure of the landfill, as provided by law. As used in this
19 section, the term "owner or operator" means any owner of
20 record of any interest in land wherein a landfill is or has
21 been located and any person or corporation that owns a
22 majority interest in any other corporation that is the owner
23 or operator of a landfill.

24 ~~(2)(3)~~ The owner or operator of a landfill owned or
25 operated by a local or state government or the Federal
26 Government shall establish a fee, or a surcharge on existing
27 fees or other appropriate revenue-producing mechanism, to
28 ensure the availability of financial resources for the proper
29 closure of the landfill. However, the disposal of solid waste
30 by persons on their own property, as described in s.
31 403.707(2), is exempt from ~~the provisions of this section.~~

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

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

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

30 (d) The provisions of s. 212.055 which ~~that~~ relate to
31 raising of revenues for landfill closure or long-term

1 maintenance do not relieve a landfill owner or operator from
2 the obligations of this section.

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

10 ~~(3)(4)~~ An owner or operator of a landfill owned or
11 operated by a local or state government or by the Federal
12 Government may provide financial assurance to establish proof
13 ~~of financial responsibility with~~ the department in lieu of the
14 requirements of subsection~~(2)(3)~~. An owner or operator of
15 any other landfill, or any other solid waste management
16 facility designated by department rule, shall provide
17 financial assurance to the department for the closure of the
18 facility. Such financial assurance ~~proof~~ may include surety
19 bonds, certificates of deposit, securities, letters of credit,
20 or other documents showing that the owner or operator has
21 sufficient financial resources to cover, at a minimum, the
22 costs of complying with applicable ~~landfill~~ closure
23 requirements. The owner or operator shall estimate such costs
24 to the satisfaction of the department.

25 ~~(4)(5)~~ This section does not repeal, limit, or
26 abrogate any other law authorizing local governments to fix,
27 levy, or charge rates, fees, or charges for the purpose of
28 complying with state and federal landfill closure
29 requirements.

30 ~~(5)(6)~~ The department shall adopt rules to implement
31 this section.

1 Section 18. Subsections (1) and (3) of section
2 403.716, Florida Statutes, are amended to read:

3 403.716 Training of operators of solid waste
4 management and other facilities.--

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

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

1 Section 19. Section 403.717, Florida Statutes, is
2 amended to read:

3 403.717 Waste tire and lead-acid battery
4 requirements.--

5 (1) For purposes of this section and ss. 403.718 and
6 403.7185:

7 (a) "Department" means the Department of Environmental
8 Protection.

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

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

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

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

27 (f) "Waste tire processing facility" means a site
28 where equipment is used to treat waste tires mechanically,
29 chemically, or thermally so that the resulting material is a
30 marketable product or is suitable for proper disposal
31 ~~recapture reusable byproducts from waste tires or to cut,~~

1 ~~burn, or otherwise alter waste tires so that they are no~~
2 ~~longer whole.~~ The term includes mobile waste tire processing
3 equipment.

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

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

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

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

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

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

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

28 1. An integral part of the person's permitted waste
29 tire processing facility; or
30

31

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

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

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

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

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

28 (a) Must provide for the administration or revocation
29 of waste tire processing facility permits, including mobile
30 processor permits;

31

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

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

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

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

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

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

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

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

25 ~~(b) A business that, in the ordinary course of~~
26 ~~business, removes tires from motor vehicles if fewer than~~
27 ~~1,500 of these tires are kept on the business premises; or~~

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

31

1 ~~(5)(6)~~(a) The department shall encourage the voluntary
2 establishment of waste tire collection centers at retail
3 tire-selling businesses, waste tire processing facilities, and
4 solid waste disposal facilities, to be open to the public for
5 the deposit of waste tires.

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

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

16 Section 20. Section 403.7221, Florida Statutes, is
17 transferred, renumbered as section 403.70715, Florida
18 Statutes, and is amended to read:

19 403.70715 ~~403.7221~~ Research, development, and
20 demonstration permits.--

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

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

31

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

7 (c) Include requirements the department deems
8 necessary which may include monitoring, operation, testing,
9 financial responsibility, closure, and remedial action.

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

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

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

25 Section 21. Subsections (1), (2), (3), (4), (5), (6),
26 (7), (8), and (9) of section 403.722, Florida Statutes, are
27 amended to read:

28 403.722 Permits; hazardous waste disposal, storage,
29 and treatment facilities.--

30 (1) Each person who intends to or is required to
31 construct, modify, operate, or close a hazardous waste

1 disposal, storage, or treatment facility shall obtain a
2 construction permit, operation permit, postclosure permit,
3 clean closure plan approval, or corrective action permit from
4 the department prior to constructing, modifying, operating, or
5 closing the facility. By rule, the department may provide for
6 the issuance of a single permit instead of any two or more
7 hazardous waste facility permits.

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

30 (3) ~~Permit~~ Applicants shall provide any information
31 that ~~which~~ will enable the department to determine that the

1 | proposed construction, modification, operation, ~~or~~ closure, or
2 | corrective action will comply with this act and any applicable
3 | rules. In no instance shall any person construct, modify,
4 | operate, or close a facility or perform corrective actions at
5 | a facility in contravention of the standards, requirements, or
6 | criteria for a hazardous waste facility. Authorizations
7 | ~~Permits~~ issued under this section may include any permit
8 | conditions necessary to achieve compliance with applicable
9 | hazardous waste rules and necessary to protect human health
10 | and the environment.

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

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

21 | (b) The site to which such hazardous waste or the
22 | products of treatment of such hazardous waste will be
23 | transported and at which it will be disposed of, treated, or
24 | stored.

25 | (5) An authorization ~~A permit~~ issued pursuant to this
26 | section is not a vested right. The department may revoke or
27 | modify any such authorization ~~permit~~.

28 | (a) Authorizations ~~Permits~~ may be revoked for failure
29 | of the holder to comply with ~~the provisions of~~ this act, the
30 | terms of the authorization ~~permit~~, the standards,
31 | requirements, or criteria adopted pursuant to this act, or an

1 order of the department; for refusal by the holder to allow
2 lawful inspection; for submission by the holder of false or
3 inaccurate information in the permit application; or if
4 necessary to protect the public health or the environment.

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

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

21 (6) A hazardous waste facility permit issued pursuant
22 to this section shall satisfy the permit requirements of s.
23 403.707(1). The permit exemptions provided in s. 403.707(2)
24 do ~~shall~~ not apply to hazardous waste.

25 (7) The department may establish ~~permit~~ application
26 procedures for hazardous waste facilities, which procedures
27 may vary based on differences in amounts, types, and
28 concentrations of hazardous waste and on differences in the
29 size and location of facilities and which procedures may take
30 into account permitting procedures of other laws not in
31 conflict with this act.

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

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

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

17 403.7226 Technical assistance by the department.--The
18 department shall:

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

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

30 403.724 Financial responsibility.--
31

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

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

13 (b) The probable damage to human health and the
14 environment;

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

17 (d) The probable time that the hazardous waste and
18 facility involved will endanger the public health, safety, and
19 welfare or the environment; and

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

22 Section 24. Section 403.7255, Florida Statutes, is
23 amended to read:

24 403.7255 Placement of signs ~~Department to adopt~~
25 ~~rules.--~~

26 (1) ~~The department shall adopt rules which establish~~
27 ~~requirements and procedures for the placement of Signs~~ must be
28 placed by the owner or operator at sites which may have been
29 ~~contaminated by hazardous wastes. Sites shall include any site~~
30 in the state which ~~that~~ is listed or proposed for listing on
31 the Superfund Site List of the United States Environmental

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

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

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

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

21 403.726 Abatement of imminent hazard caused by
22 hazardous substance.--

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

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

27 403.7265 Local hazardous waste collection program.--

28 (1) The Legislature recognizes the need for local
29 governments to establish local hazardous waste management
30 programs and local collection centers throughout the state.
31 Local hazardous waste management programs are to educate and

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

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

27 ~~(2)(3)~~ For the purposes of this section, the phrase:
28 (a) "Collection center" means a secured site approved
29 by the department to be used as a base for a hazardous waste
30 collection facility.

31

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

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

15 (a) Comply with ~~the provisions of~~ ss. 403.7225 and
16 403.7264;

17 (b) Design a collection center which is approved by
18 the department; and

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

21 ~~(4)(5)~~ The maximum amount of a grant for any local
22 government participating in the development of a collection
23 center ~~is shall be~~ \$100,000. If a regional collection
24 facility is designed, each participating county ~~is shall be~~
25 eligible for up to \$100,000. The department ~~may is authorized~~
26 ~~to~~ use up to 1 percent of the funds appropriated for the local
27 hazardous waste collection center grant program for
28 administrative costs and public education relating to proper
29 hazardous waste management.

30 ~~(5)(6)~~ The department shall establish a cooperative
31 collection center arrangement grant program enabling a local

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

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

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

17 ~~(6)(7)~~ The maximum amount for the cooperative
18 collection center arrangement grant is \$35,000, with a maximum
19 amnesty days reimbursement of \$25,000, and a limit of \$10,000
20 for the host local government. The host local government may
21 receive up to \$10,000 per cooperative collection center
22 arrangement in addition to its maximum local hazardous waste
23 collection center grant.

24 ~~(7)(8)~~ The department may ~~has the authority to~~
25 establish an additional local project grant program enabling a
26 local hazardous waste collection center grantee to receive
27 funding for unique projects that improve the collection and
28 lower the incidence of improper management of conditionally
29 exempt or household hazardous waste. Eligible local
30 governments may receive up to \$50,000 in grant funds for these
31 unique and innovative projects, provided they match 25 percent

1 of the grant amount. If the department finds that the project
2 has statewide applicability and immediate benefits to other
3 local hazardous waste collection programs in the state,
4 matching funds are not required. This grant will not count
5 toward the \$100,000 maximum grant amount for development of a
6 collection center.

7 ~~(8)(9)~~ The department may ~~has the authority to~~ use
8 grant funds authorized under this section to assist local
9 governments in carrying out the responsibilities and programs
10 specified in ss. 403.7225, 403.7226, 403.7234, 403.7236, and
11 403.7238.

12 Section 27. Sections 403.7075, 403.756, and 403.7895,
13 Florida Statutes, are repealed.

14 Section 28. Sections 403.78, 403.781, 403.782,
15 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,
16 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,
17 403.789, 403.7891, 403.7892, and 403.7893, Florida Statutes,
18 are repealed.

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

21 *****

22 SENATE SUMMARY

23 Revises provisions governing the management of solid
24 waste and environmental protection. Redistributes
25 proceeds from Wildflower license. Clarifies various
26 provisions of the Florida Litter Law. Abolishes Keep
27 Florida Beautiful, Inc., and the Wildflower Advisory
28 Council. Deletes requirements concerning litter
29 reduction. Places the Adopt-a-Shore Program within the
30 Department of Environmental Protection. Revises
31 requirements governing solid waste management and
disposal. Provides requirements for the management and
disposal of storm-generated debris. Revises requirements
governing hazardous waste management and disposal.
Repeals provisions relating to submission of certain
permits or plans concerning a solid waste management
facility, an annual used-oil report, and permitting of a
commercial hazardous waste incinerator. Repeals the
Statewide Multipurpose Hazardous Waste Facility Siting
Act. (See bill for details.)