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1 A bill to be entitled
2 An act relating to solid waste; amending s. 320.08058,
3 F.S.; revising provisions relating to the distribution of
4 the fees paid for Florida Wildflower license plates to
5 conform to changes made by the act; specifying uses of the
6 proceeds; requiring that such proceeds be distributed to
7 the Department of Agriculture and Consumer Services under
8 certain circumstances; amending s. 403.413, F.S.;
9 clarifying who is liable for dumping under the Florida
10 Litter Law; amending s. 403.4131, F.S.; deleting the
11 provisions relating to Keep Florida Beautiful, Inc.;
12 encouraging additional counties to develop a regional
13 approach to coordinating litter control and prevention
14 programs; deleting certain requirements for litter
15 reduction and a litter survey; deleting the provisions
16 relating to the Wildflower Advisory Council; amending s.
17 403.41315, F.S.; conforming provisions to changes made to
18 the Keep Florida Beautiful, Inc., program; amending s.
19 403.4133, F.S.; placing the Adopt-a-Shore Program within
20 the Department of Environmental Protection; amending s.
21 403.703, F.S.; reordering definitions in alphabetical
22 order; clarifying certain definitions and deleting
23 definitions that are not used; amending s. 403.704, F.S.;
24 deleting obsolete provisions relating to the state solid
25 waste management program; amending s. 403.7043, F.S.;
26 deleting obsolete and conflicting provisions relating to
27 compost standards; amending s. 403.7045, F.S.; prohibiting
28 the regulation of industrial byproducts under certain

29 | circumstances; conforming a cross-reference; clarifying
30 | provisions governing dredged material; amending s.
31 | 403.705, F.S., relating to the state solid waste
32 | management program; conforming a cross-reference; amending
33 | s. 403.7061, F.S.; authorizing the Department of
34 | Environmental Protection to initiate rulemaking regarding
35 | waste-to-energy facilities; deleting a requirement to
36 | initiate such rulemaking; amending s. 403.707, F.S.;
37 | authorizing the Department of Environmental Preservation
38 | to exempt certain facilities from the requirement for a
39 | permit; authorizing the department to include certain
40 | licenses in a permit; deleting certain obsolete
41 | provisions; removing a requirement concerning groundwater
42 | monitoring of certain facilities; extending the time
43 | period for a public hearing when a local government seeks
44 | to exempt certain material from the definition of
45 | construction and demolition debris; specifying conditions,
46 | following the transfer of ownership or control of a solid
47 | waste facility, which must be met before the transferee
48 | may operate the facility; specifying criteria concerning
49 | an application to the Department of Environmental
50 | Protection to transfer an operating permit for a solid
51 | waste facility; specifying responsibilities for complying
52 | with permit requirements, including financial-assurance
53 | requirements, when ownership or control of a solid waste
54 | facility is transferred; authorizing rulemaking by the
55 | department; creating s. 403.7071, F.S.; providing for the
56 | management and disposal of certain storm-generated debris;

57 | amending s. 403.708, F.S.; deleting obsolete provisions
58 | and clarifying provisions governing landfills; amending s.
59 | 403.709, F.S.; revising the provisions relating to the
60 | distribution of the waste tire fees; providing for
61 | expiration and enforcement of a lien on real property
62 | concerning compliance with waste-tire requirements;
63 | amending s. 403.7095, F.S.; revising provisions relating
64 | to the solid waste management grant program; providing a
65 | definition; specifying criteria for grant eligibility;
66 | deleting an obsolete provision; conforming a cross-
67 | reference; amending s. 403.7125, F.S.; deleting certain
68 | definitions that appear elsewhere in law; clarifying
69 | requirements concerning financial assurance for closure of
70 | a landfill; amending s. 403.716, F.S.; deleting provisions
71 | relating to the training and employment of certain
72 | facility operators; amending s. 403.717, F.S.; clarifying
73 | provisions relating to waste tires and the processing of
74 | waste tires; transferring, renumbering, and amending s.
75 | 403.7221, F.S.; increasing the duration of certain
76 | research, development, and demonstration permits;
77 | authorizing issuance of such a permit to a hazardous waste
78 | management facility; amending s. 403.722, F.S.; clarifying
79 | provisions relating to who is required to obtain certain
80 | hazardous waste permits; providing for operation or
81 | closure of certain existing facilities that must, due to a
82 | rule change, be permitted as hazardous waste facilities;
83 | amending s. 403.7226, F.S.; deleting a requirement to
84 | submit an annual state assessment concerning needs for

85 hazardous waste management; amending s. 403.724, F.S.;

86 clarifying certain financial assurance provisions;

87 amending s. 403.7255, F.S.; revising requirements

88 regarding signs to notify the public about hazardous waste

89 contamination of certain sites; amending s. 403.726, F.S.;

90 authorizing the Department of Environmental Protection to

91 issue an order to abate certain hazards; amending s.

92 403.7265, F.S.; deleting provisions requiring a statewide

93 local hazardous waste management plan; requiring a local

94 government to provide matching funds for grants concerning

95 conditionally exempt or household hazardous waste under

96 certain conditions; repealing s. 403.7075, F.S., relating

97 to the submission of a plan or application for certain

98 permits for a solid waste management facility; repealing

99 s. 403.756, F.S., relating to an annual used oil report;

100 repealing s. 403.7895, F.S., relating to permitting and a

101 certification of need for a commercial hazardous waste

102 incinerator; amending ss. 171.205, 316.003, 377.709, and

103 487.048, F.S.; conforming cross-references; repealing ss.

104 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841,

105 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872,

106 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892,

107 and 403.7893, F.S., relating to the Statewide Multipurpose

108 Hazardous Waste Facility Siting Act; providing an

109 effective date.

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

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

115 320.08058 Specialty license plates.--

116 (28) FLORIDA WILDFLOWER LICENSE PLATES.--

117 (a) The department shall develop a Florida Wildflower
 118 license plate as provided in this section. The word "Florida"
 119 must appear at the top of the plate, and the words "State
 120 Wildflower" and "coreopsis" must appear at the bottom of the
 121 plate.

122 (b) The annual use fees shall be distributed to the
 123 Florida Wildflower Foundation, Inc., a nonprofit corporation
 124 under s. 501(c)(3) of the Internal Revenue Code ~~Wildflower~~
 125 ~~Account established by Keep Florida Beautiful, Inc., created by~~
 126 ~~s. 403.4131~~. The proceeds must be used to establish native
 127 Florida wildflower research programs, wildflower educational
 128 programs, and wildflower grant programs to municipal, county,
 129 and community-based groups in this state.

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

134 2. A maximum of 15 ~~10~~ percent of the proceeds from the
 135 sale of such plates may be used for administrative and marketing
 136 costs.

137 3. If the Florida Wildflower Foundation, Inc., ceases to
 138 be an active nonprofit corporation under s. 501(c)(3) of the
 139 Internal Revenue Code, the proceeds from the annual use fee
 140 shall be deposited into the General Inspection Trust Fund

141 created within the Department of Agriculture and Consumer
 142 Services. Any funds held by the Florida Wildflower Foundation,
 143 Inc., must be promptly transferred to the General Inspection
 144 Trust Fund. The Department of Agriculture and Consumer Services
 145 shall use and administer the proceeds from the use fee in the
 146 manner specified in this paragraph.

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

149 403.413 Florida Litter Law.--

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

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

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

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

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169 regulation.

170 Section 3. Section 403.4131, Florida Statutes, is amended
171 to read:

172 403.4131 Litter control ~~"Keep Florida Beautiful,~~
173 ~~Incorporated"; placement of signs.--~~

174 ~~(1) It is the intent of the Legislature that a coordinated~~
175 ~~effort of interested businesses, environmental and civic~~
176 ~~organizations, and state and local agencies of government be~~
177 ~~developed to plan for and assist in implementing solutions to~~
178 ~~the litter and solid waste problems in this state and that the~~
179 ~~state provide financial assistance for the establishment of a~~
180 ~~nonprofit organization with the name of "Keep Florida Beautiful,~~
181 ~~Incorporated," which shall be registered, incorporated, and~~
182 ~~operated in compliance with chapter 617. This nonprofit~~
183 ~~organization shall coordinate the statewide campaign and operate~~
184 ~~as the grassroots arm of the state's effort and shall serve as~~
185 ~~an umbrella organization for volunteer based community programs.~~
186 ~~The organization shall be dedicated to helping Florida and its~~
187 ~~local communities solve solid waste problems, to developing and~~
188 ~~implementing a sustained litter prevention campaign, and to act~~
189 ~~as a working public private partnership in helping to implement~~
190 ~~the state's Solid Waste Management Act. As part of this effort,~~
191 ~~Keep Florida Beautiful, Incorporated, in cooperation with the~~
192 ~~Environmental Education Foundation, shall strive to educate~~
193 ~~citizens, visitors, and businesses about the important~~
194 ~~relationship between the state's environment and economy. Keep~~
195 ~~Florida Beautiful, Incorporated, is encouraged to explore and~~
196 ~~identify economic incentives to improve environmental~~

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197 ~~initiatives in the area of solid waste management. The~~
198 ~~membership of the board of directors of this nonprofit~~
199 ~~organization may include representatives of the following~~
200 ~~organizations: the Florida League of Cities, the Florida~~
201 ~~Association of Counties, the Governor's Office, the Florida~~
202 ~~Chapter of the National Solid Waste Management Association, the~~
203 ~~Florida Recyclers Association, the Center for Marine~~
204 ~~Conservation, Chapter of the Sierra Club, the Associated~~
205 ~~Industries of Florida, the Florida Soft Drink Association, the~~
206 ~~Florida Petroleum Council, the Retail Grocers Association of~~
207 ~~Florida, the Florida Retail Federation, the Pulp and Paper~~
208 ~~Association, the Florida Automobile Dealers Association, the~~
209 ~~Beer Industries of Florida, the Florida Beer Wholesalers~~
210 ~~Association, and the Distilled Spirits Wholesalers.~~

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

216 ~~(a) Coordinating with the Center for Marine Conservation~~
217 ~~and the Center for Solid and Hazardous Waste Management to~~
218 ~~identify components of the marine debris and litter stream and~~
219 ~~groups that habitually litter.~~

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

223 ~~(c) Fostering public awareness and striving to build an~~
224 ~~environmental ethic in this state through the development of~~

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225 ~~educational programs that result in an understanding and in~~
226 ~~action on the part of individuals and organizations about the~~
227 ~~role they must play in preventing litter and protecting~~
228 ~~Florida's environment.~~

229 ~~(d) Developing educational programs and materials that~~
230 ~~promote the proper management of solid waste, including the~~
231 ~~proper disposal of litter.~~

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

235 (1)~~(3)~~ The Department of Transportation shall establish an
236 "adopt-a-highway" program to allow local organizations to be
237 identified with specific highway cleanup and highway
238 beautification projects authorized under s. 339.2405 ~~and shall~~
239 ~~coordinate such efforts with Keep Florida Beautiful, Inc.~~ The
240 department shall report to the Governor and the Legislature on
241 the progress achieved and the savings incurred by the "adopt-a-
242 highway" program. The department shall also monitor and report
243 on compliance with provisions of the adopt-a-highway program to
244 ensure that organizations that participate in the program comply
245 with the goals identified by the department.

246 (2)~~(4)~~ The Department of Transportation shall place signs
247 discouraging litter at all off-ramps of the interstate highway
248 system in the state. The department shall place other highway
249 signs as necessary to discourage littering ~~through use of the~~
250 ~~antilitter program developed by Keep Florida Beautiful,~~
251 ~~Incorporated.~~

252 (3)~~(5)~~ Each county is encouraged to initiate a litter

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253 control and prevention program or to expand upon its existing
 254 program. The department shall establish a system of grants for
 255 municipalities and counties to implement litter control and
 256 prevention programs. In addition to the activities described in
 257 subsection (1), such grants shall at a minimum be used for
 258 litter cleanup, grassroots educational programs involving litter
 259 removal and prevention, and the placement of litter and
 260 recycling receptacles. Counties are encouraged to form working
 261 public private partnerships as authorized under this section to
 262 implement litter control and prevention programs at the
 263 community level. ~~The grants authorized pursuant to this section~~
 264 ~~shall be incorporated as part of the recycling and education~~
 265 ~~grants.~~ Counties that have a population under 100,000 ~~75,000~~ are
 266 encouraged to develop a regional approach to administering and
 267 coordinating their litter control and prevention programs.

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

272 ~~(7) In order to establish continuity for the statewide~~
 273 ~~program, those local governments and community programs~~
 274 ~~receiving grants for litter prevention and control must use the~~
 275 ~~official State of Florida litter control or campaign symbol~~
 276 ~~adopted by Keep Florida Beautiful, Incorporated, for use on~~
 277 ~~various receptacles and program material.~~

278 ~~(8) The Legislature establishes a litter reduction goal of~~
 279 ~~50 percent reduction from the period January 1, 1994, to January~~
 280 ~~1, 1997. The method of determination used to measure the~~

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281 ~~reduction in litter is the survey conducted by the Center for~~
282 ~~Solid and Hazardous Waste Management. The center shall consider~~
283 ~~existing litter survey methodologies.~~

284 ~~(9) The Department of Environmental Protection shall~~
285 ~~contract with the Center for Solid and Hazardous Waste~~
286 ~~Management for an ongoing annual litter survey, the first of~~
287 ~~which is to be conducted by January 1, 1994. The center shall~~
288 ~~appoint a broad-based work group not to exceed seven members to~~
289 ~~assist in the development and implementation of the survey.~~
290 ~~Representatives from the university system, business,~~
291 ~~government, and the environmental community shall be considered~~
292 ~~by the center to serve on the work group. Final authority on~~
293 ~~implementing and conducting the survey rests with the center.~~
294 ~~The first survey is to be designed to serve as a baseline by~~
295 ~~measuring the amount of current litter and marine debris, and is~~
296 ~~to include a methodology for measuring the reduction in the~~
297 ~~amount of litter and marine debris to determine the progress~~
298 ~~toward the litter reduction goal established in subsection (8).~~
299 ~~Annually thereafter, additional surveys are to be conducted and~~
300 ~~must also include a methodology for measuring the reduction in~~
301 ~~the amount of litter and for determining progress toward the~~
302 ~~litter reduction goal established in subsection (8).~~

303 ~~(10) (a) There is created within Keep Florida Beautiful,~~
304 ~~Inc., the Wildflower Advisory Council, consisting of a maximum~~
305 ~~of nine members to direct and oversee the expenditure of the~~
306 ~~Wildflower Account. The Wildflower Advisory Council shall~~
307 ~~include a representative from the University of Florida~~
308 ~~Institute of Food and Agricultural Sciences, the Florida~~

309 ~~Department of Transportation, and the Florida Department of~~
 310 ~~Environmental Protection, the Florida League of Cities, and the~~
 311 ~~Florida Association of Counties. Other members of the committee~~
 312 ~~may include representatives from the Florida Federation of~~
 313 ~~Garden Clubs, Inc., Think Beauty Foundation, the Florida Chapter~~
 314 ~~of the American Society of Landscape Architects, Inc., and a~~
 315 ~~representative of the Master Gardener's Program.~~

316 ~~(b) The Wildflower Advisory Council shall develop~~
 317 ~~procedures of operation, research contracts, educational~~
 318 ~~programs, and wildflower planting grants for Florida native~~
 319 ~~wildflowers, plants, and grasses. The council shall also make~~
 320 ~~the final determination of what constitutes acceptable species~~
 321 ~~of wildflowers and other plantings supported by these programs.~~

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

324 403.41315 Comprehensive illegal dumping, litter, and
 325 marine debris control and prevention.--

326 (2) The comprehensive illegal dumping, litter, and marine
 327 debris control and prevention program at a minimum must include
 328 the following:

329 (a) A local statewide public awareness and educational
 330 campaign, ~~coordinated by Keep Florida Beautiful, Incorporated,~~
 331 to educate individuals, government, businesses, and other
 332 organizations concerning the role they must assume in preventing
 333 and controlling litter.

334 (j) Other educational programs that are implemented at the
 335 grassroots level ~~coordinated through Keep Florida Beautiful,~~
 336 ~~Inc.,~~ involving volunteers and community programs that clean up

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337 and prevent litter, including Youth Conservation Corps
 338 activities.

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

341 403.4133 Adopt-a-Shore Program.--

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

349 Section 6. Section 403.703, Florida Statutes, is amended
 350 to read:

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

353 403.703 Definitions.--As used in this part, the term:

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

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

363 (3) "Biomedical waste" means any solid waste or liquid
 364 waste that may present a threat of infection to humans. The term

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

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

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

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

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393 results from land clearing or land development operations for a
394 construction project, including such debris from construction of
395 structures at a site remote from the construction or demolition
396 project site. Mixing of construction and demolition debris with
397 other types of solid waste will cause the resulting mixture to
398 be classified as other than construction and demolition debris.

399 The term also includes:

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

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

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

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

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

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

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

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

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

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

439 (13) "Hazardous waste" means solid waste, or a combination
440 of solid wastes, which, because of its quantity, concentration,
441 or physical, chemical, or infectious characteristics, may cause,
442 or significantly contribute to, an increase in mortality or an
443 increase in serious irreversible or incapacitating reversible
444 illness or may pose a substantial present or potential hazard to
445 human health or the environment when improperly transported,
446 disposed of, stored, treated, or otherwise managed. The term
447 does not include human remains that are disposed of by persons
448 licensed under chapter 497.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

530 (31) "Solid waste" means sludge unregulated under the
531 federal Clean Water Act or Clean Air Act, sludge from a waste
532 treatment works, water supply treatment plant, or air pollution

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

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

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

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

558 (35) "Source separated" means that the recovered materials
559 are separated from solid waste at the location where the
560 recovered materials and solid waste are generated. The term does

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

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

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

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

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

588 (40) "Treatment," when used in connection with hazardous

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

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

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

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

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

610 403.704 Powers and duties of the department.--The
 611 department shall have responsibility for the implementation and
 612 enforcement of ~~the provisions of~~ this act. In addition to other
 613 powers and duties, the department shall:

614 (1) Develop and implement, in consultation with local
 615 governments, a state solid waste management program, as defined
 616 in s. 403.705, ~~and update the program at least every 3 years. In~~

617 ~~developing rules to implement the state solid waste management~~
 618 ~~program, the department shall hold public hearings around the~~
 619 ~~state and shall give notice of such public hearings to all local~~
 620 ~~governments and regional planning agencies.~~

621 (2) Provide technical assistance to counties,
 622 municipalities, and other persons, and cooperate with
 623 appropriate federal agencies and private organizations in
 624 carrying out ~~the provisions of~~ this act.

625 (3) Promote the planning and application of recycling and
 626 resource recovery systems which preserve and enhance the quality
 627 of the air, water, and other natural resources of the state and
 628 assist in and encourage, where appropriate, the development of
 629 regional solid waste management facilities.

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

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

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

640 (7) Assist in and encourage, as much as possible, the
 641 development within the state of industries and commercial
 642 enterprises which are based upon resource recovery, recycling,
 643 and reuse of solid waste.

644 ~~(8) Charge reasonable fees for any services it performs~~

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645 ~~pursuant to this act, provided user fees shall apply uniformly~~
646 ~~within each municipality or county to all users who are provided~~
647 ~~with solid waste management services.~~

648 ~~(9) Acquire, at its discretion, personal or real property~~
649 ~~or any interest therein by gift, lease, or purchase for the~~
650 ~~purpose of providing sites for solid waste management~~
651 ~~facilities.~~

652 ~~(10) Acquire, construct, reconstruct, improve, maintain,~~
653 ~~equip, furnish, and operate, at its discretion, such solid waste~~
654 ~~management facilities as are called for by the state solid waste~~
655 ~~management program.~~

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

661 ~~(8)~~ (12) Determine by rule the facilities, equipment,
662 personnel, and number of monitoring wells to be provided at each
663 Class I solid waste disposal facility area.

664 ~~(13) Encourage, but not require, as part of a Class II~~
665 ~~solid waste disposal area, a potable water supply; an employee~~
666 ~~shelter; handwashing and toilet facilities; equipment washout~~
667 ~~facilities; electric service for operations and repairs;~~
668 ~~equipment shelter for maintenance and storage of parts,~~
669 ~~equipment, and tools; scales for weighing solid waste received~~
670 ~~at the disposal area; a trained equipment operator in full time~~
671 ~~attendance during operating hours; and communication facilities~~
672 ~~for use in emergencies. The department may require an attendant~~

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673 ~~at a Class II solid waste disposal area during the hours of~~
674 ~~operation if the department affirmatively demonstrates that such~~
675 ~~a requirement is necessary to prevent unlawful fires,~~
676 ~~unauthorized dumping, or littering of nearby property.~~

677 ~~(14) Require a Class II solid waste disposal area to have~~
678 ~~at least one monitoring well which shall be placed adjacent to~~
679 ~~the site in the direction of groundwater flow unless otherwise~~
680 ~~exempted by the department. The department may require~~
681 ~~additional monitoring wells not farther than 1 mile from the~~
682 ~~site if it is affirmatively demonstrated by the department that~~
683 ~~a significant change in the initial quality of the water has~~
684 ~~occurred in the downstream monitoring well which adversely~~
685 ~~affects the beneficial uses of the water. These wells may be~~
686 ~~public or private water supply wells if they are suitable for~~
687 ~~use in determining background water quality levels.~~

688 ~~(9)~~(15) Adopt rules pursuant to ss. 120.536(1) and 120.54
689 to implement and enforce ~~the provisions of~~ this act, including
690 requirements for the classification, construction, operation,
691 maintenance, and closure of solid waste management facilities
692 and requirements for, and conditions on, solid waste disposal in
693 this state, whether such solid waste is generated within this
694 state or outside this state as long as such requirements and
695 conditions are not based on the out-of-state origin of the waste
696 and are consistent with applicable ~~provisions of~~ law. When
697 classifying solid waste management facilities, the department
698 shall consider the hydrogeology of the site for the facility,
699 the types of wastes to be handled by the facility, and methods
700 used to control the types of waste to be handled by the facility

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701 and shall seek to minimize the adverse effects of solid waste
 702 management on the environment. Whenever the department adopts
 703 any rule stricter or more stringent than one that ~~which~~ has been
 704 set by the United States Environmental Protection Agency, the
 705 procedures set forth in s. 403.804(2) shall be followed. The
 706 department shall not, however, adopt hazardous waste rules for
 707 solid waste for which special studies were required prior to
 708 October 1, 1988, under s. 8002 of the Resource Conservation and
 709 Recovery Act, 42 U.S.C. s. 6982, as amended, until the studies
 710 are completed by the United States Environmental Protection
 711 Agency and the information is available to the department for
 712 consideration in adopting its own rule.

713 (10)~~(16)~~ Issue or modify permits on such conditions as are
 714 necessary to effect the intent and purposes of this act, and may
 715 deny or revoke permits.

716 ~~(17) Conduct research, using the State University System,
 717 solid waste professionals from local governments, private
 718 enterprise, and other organizations, on alternative,
 719 economically feasible, cost effective, and environmentally safe
 720 solid waste management and landfill closure methods which
 721 protect the health, safety, and welfare of the public and the
 722 environment and which may assist in developing markets and
 723 provide economic benefits to local governments, the state, and
 724 its citizens, and solicit public participation during the
 725 research process. The department shall incorporate such cost-
 726 effective landfill closure methods in the appropriate department
 727 rule as alternative closure requirements.~~

728 (11)~~(18)~~ Develop and implement or contract for services to

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729 develop information on recovered materials markets and
730 strategies for market development and expansion for use of these
731 materials. Additionally, the department shall maintain a
732 directory of recycling businesses operating in the state and
733 shall serve as a coordinator to match recovered materials with
734 markets. Such directory shall be made available to the public
735 and to local governments to assist with their solid waste
736 management activities.

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

742 (12)~~(20)~~ Establish accounts and deposit to the Solid Waste
743 Management Trust Fund and control and administer moneys it may
744 withdraw from the fund.

745 (13)~~(21)~~ Manage a program of grants, using funds from the
746 Solid Waste Management Trust Fund and funds provided by the
747 Legislature for solid waste management, for programs for
748 recycling, composting, litter control, and special waste
749 management and for programs that ~~which~~ provide for the safe and
750 proper management of solid waste.

751 (14)~~(22)~~ Budget and receive appropriated funds and accept,
752 receive, and administer grants or other funds or gifts from
753 public or private agencies, including the state and the Federal
754 Government, for the purpose of carrying out ~~the provisions of~~
755 this act.

756 (15)~~(23)~~ Delegate its powers, enter into contracts, or

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757 take such other actions as may be necessary to implement this
 758 act.

759 ~~(16)-(24)~~ Receive and administer funds appropriated for
 760 county hazardous waste management assessments.

761 ~~(17)-(25)~~ Provide technical assistance to local governments
 762 and regional agencies to ensure consistency between county
 763 hazardous waste management assessments; coordinate the
 764 development of such assessments with the assistance of the
 765 appropriate regional planning councils; and review and make
 766 recommendations to the Legislature relative to the sufficiency
 767 of the assessments to meet state hazardous waste management
 768 needs.

769 ~~(18)-(26)~~ Increase public education and public awareness of
 770 solid and hazardous waste issues by developing and promoting
 771 statewide programs of litter control, recycling, volume
 772 reduction, and proper methods of solid waste and hazardous waste
 773 management.

774 ~~(19)-(27)~~ Assist the hazardous waste storage, treatment, or
 775 disposal industry by providing to the industry any data produced
 776 on the types and quantities of hazardous waste generated.

777 ~~(20)-(28)~~ Institute a hazardous waste emergency response
 778 program which would include emergency telecommunication
 779 capabilities and coordination with appropriate agencies.

780 ~~(21)-(29)~~ Adopt ~~Promulgate~~ rules necessary to accept
 781 delegation of the hazardous waste management program from the
 782 Environmental Protection Agency under the Hazardous and Solid
 783 Waste Amendments of 1984, Pub. L. No. 98-616.

784 ~~(22)-(30)~~ Adopt rules, if necessary, to address the

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785 incineration and disposal of biomedical waste and the management
 786 of biological waste within the state, whether such waste is
 787 generated within this state or outside this state, as long as
 788 such requirements and conditions are not based on the out-of-
 789 state origin of the waste and are consistent with applicable
 790 provisions of law.

791 Section 8. Section 403.7043, Florida Statutes, is amended
 792 to read:

793 403.7043 Compost standards and applications.--

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

798 (2) The department shall ~~Within 6 months after October 1,~~
 799 ~~1988, the department shall initiate rulemaking to establish and~~ and
 800 maintain rules addressing standards for the production of
 801 compost ~~and shall complete and promulgate those rules within 12~~
 802 ~~months after initiating the process of rulemaking,~~ including
 803 rules establishing:

804 (a) Requirements necessary to produce hygienically safe
 805 compost products for varying applications.

806 (b) A classification scheme for compost based on+ the
 807 types of waste composted, ~~including at least one type containing~~
 808 ~~only yard trash,~~ the maturity of the compost, ~~including at least~~
 809 ~~three degrees of decomposition for fresh, semimature, and~~
 810 ~~mature,~~ and the levels of organic and inorganic constituents in
 811 the compost. This scheme shall address:

812 1. Methods for measurement of the compost maturity.

- 813 2. Particle sizes.
- 814 3. Moisture content.
- 815 4. Average levels of organic and inorganic constituents,
- 816 including heavy metals, for such classes of compost as the
- 817 department establishes, and the analytical methods to determine
- 818 those levels.

819 ~~(3) Within 6 months after October 1, 1988, the department~~
 820 ~~shall initiate rulemaking to prescribe the allowable uses and~~
 821 ~~application rates of compost and shall complete and promulgate~~
 822 ~~those rules within 12 months after initiating the process of~~
 823 ~~rulemaking, based on the following criteria:~~

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

827 ~~(b) The allowable uses of compost based on maturity and~~
 828 ~~type of compost.~~

829 ~~(4) If compost is produced which does not meet the~~
 830 ~~criteria prescribed by the department for agricultural and other~~
 831 ~~use, the compost must be reprocessed or disposed of in a manner~~
 832 ~~approved by the department, unless a different application is~~
 833 ~~specifically permitted by the department.~~

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

838 Section 9. Subsections (1), (2), and (3) of section
 839 403.7045, Florida Statutes, are amended to read:

840 403.7045 Application of act and integration with other

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841 acts.--

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

844 (a) Byproduct material, source material, and special
845 nuclear material, the generation, transportation, disposal,
846 storage, or treatment of which is regulated under chapter 404 or
847 ~~under~~ the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat.
848 923, as amended;

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

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

857 (d) Drilling fluids, produced waters, and other wastes
858 associated with the exploration for, or development and
859 production of, crude oil or natural gas which are regulated
860 under chapter 377; or

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

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

866 2. The recovered materials handled by the facility or the
867 products or byproducts of operations that process recovered
868 materials are not discharged, deposited, injected, dumped,

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869 spilled, leaked, or placed into or upon any land or water by the
 870 owner or operator of such facility so that such recovered
 871 materials, products or byproducts, or any constituent thereof
 872 may enter other lands or be emitted into the air or discharged
 873 into any waters, including groundwaters, or otherwise enter the
 874 environment such that a threat of contamination in excess of
 875 applicable department standards and criteria is caused.

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

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

880 (f) Industrial byproducts, if:

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

883 2. The industrial byproducts are not discharged,
 884 deposited, injected, dumped, spilled, leaked, or placed upon any
 885 land or water so that such industrial byproducts, or any
 886 constituent thereof, may enter other lands or be emitted into
 887 the air or discharged into any waters, including groundwaters,
 888 or otherwise enter the environment such that a threat of
 889 contamination in excess of applicable department standards and
 890 criteria or a significant threat to public health is caused.

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

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

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

899 (b) Agricultural and silvicultural byproduct material and
 900 agricultural and silvicultural process waste from normal farming
 901 or processing.

902 (c) Discarded material generated by the mining and
 903 beneficiation and chemical or thermal processing of phosphate
 904 rock, and precipitates resulting from neutralization of
 905 phosphate chemical plant process and nonprocess waters.

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

908 (a) Dredged material that is generated as part of a
 909 project permitted under part IV of chapter 373 or chapter 161,
 910 or that is authorized to be removed from sovereign submerged
 911 lands under chapter 253, ~~Dredge spoil or fill material~~ shall be
 912 managed in accordance with the conditions of that permit or
 913 authorization unless the dredged material is regulated as
 914 hazardous waste pursuant to this part ~~disposed of pursuant to a~~
 915 ~~dredge and fill permit, but whenever hazardous components are~~
 916 ~~disposed of within the dredge or fill material, the dredge and~~
 917 ~~fill permits shall specify the specific hazardous wastes~~
 918 ~~contained and the concentration of each such waste. If the~~
 919 ~~dredged material contains hazardous substances, the department~~
 920 may further ~~then~~ limit or restrict the disposal, sale, or use of
 921 the dredged ~~dredge and fill~~ material and may specify such other
 922 conditions relative to this material as are reasonably necessary
 923 to protect the public from the potential hazards. However, this
 924 paragraph does not require the routine testing of dredge

925 material for hazardous substances unless there is a reasonable
 926 expectation that such substances will be present.

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

933 (c) Solid waste or hazardous waste facilities that ~~which~~
 934 are operated as a part of the normal operation of a power
 935 generating facility and which are licensed by certification
 936 pursuant to the Florida Electrical Power Plant Siting Act, ss.
 937 403.501-403.518, shall undergo such certification subject to the
 938 substantive provisions of this act.

939 (d) Biomedical waste and biological waste shall be
 940 disposed of only as authorized by the department. However, any
 941 person who unknowingly disposes into a sanitary landfill or
 942 waste-to-energy facility any such waste that ~~which~~ has not been
 943 properly segregated or separated from other solid wastes by the
 944 generating facility is not guilty of a violation under this act.
 945 ~~Nothing in This paragraph does not shall be construed to~~
 946 prohibit the department from seeking injunctive relief pursuant
 947 to s. 403.131 to prohibit the unauthorized disposal of
 948 biomedical waste or biological waste.

949 Section 10. Paragraph (f) of subsection (2) of section
 950 403.705, Florida Statutes, is amended to read:

951 403.705 State solid waste management program.--

952 (2) The state solid waste management program shall

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953 include, at a minimum:

954 (f) Planning guidelines and technical assistance to
 955 counties and municipalities to develop and implement programs
 956 for alternative disposal or processing or recycling of the solid
 957 wastes prohibited from disposal in landfills under s.
 958 403.708(12) ~~s. 403.708(13)~~ and for special wastes.

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

961 403.7061 Requirements for review of new waste-to-energy
 962 facility capacity by the Department of Environmental
 963 Protection.--

964 (2) Notwithstanding any other provisions of state law, the
 965 department shall not issue a construction permit or
 966 certification to build a waste-to-energy facility or expand an
 967 existing waste-to-energy facility unless the facility meets the
 968 requirements set forth in subsection (3). Any construction
 969 permit issued by the department between January 1, 1993, and May
 970 12, 1993, which does not address these new requirements is ~~shall~~
 971 ~~be~~ invalid. These new requirements do not apply to the issuance
 972 of permits or permit modifications to retrofit existing
 973 facilities with new or improved pollution control equipment to
 974 comply with state or federal law. The department may ~~shall~~
 975 initiate rulemaking to incorporate the criteria in subsection
 976 (3) into its permit review process.

977 Section 12. Section 403.707, Florida Statutes, is amended
 978 to read:

979 403.707 Permits.--

980 (1) A ~~No~~ solid waste management facility may not be

981 operated, maintained, constructed, expanded, modified, or closed
 982 without an appropriate and currently valid permit issued by the
 983 department. The department may by rule exempt specified types of
 984 facilities from the requirement for a permit under this part if
 985 it determines that construction or operation of the facility is
 986 not expected to create any significant threat to the environment
 987 or public health. For purposes of this part, and only when
 988 specified by department rule, a permit may include registrations
 989 as well as other forms of licenses as defined in s. 120.52.

990 Solid waste construction permits issued under this section may
 991 include any permit conditions necessary to achieve compliance
 992 with the recycling requirements of this act. The department
 993 shall pursue reasonable timeframes for closure and construction
 994 requirements, considering pending federal requirements and
 995 implementation costs to the permittee. The department shall
 996 adopt a rule establishing performance standards for construction
 997 and closure of solid waste management facilities. The standards
 998 shall allow flexibility in design and consideration for site-
 999 specific characteristics.

1000 (2) Except as provided in s. 403.722(6), a ~~no~~ permit under
 1001 this section is not required for the following, ~~if provided that~~
 1002 the activity does ~~shall~~ not create a public nuisance or any
 1003 condition adversely affecting the environment or public health
 1004 and does ~~shall~~ not violate other state or local laws,
 1005 ordinances, rules, regulations, or orders:

1006 (a) Disposal by persons of solid waste resulting from
 1007 their own activities on their own property, ~~if provided~~ such
 1008 waste is ~~either~~ ordinary household waste from their residential

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1009 property or is rocks, soils, trees, tree remains, and other
 1010 vegetative matter that ~~which~~ normally result from land
 1011 development operations. Disposal of materials that ~~which~~ could
 1012 create a public nuisance or adversely affect the environment or
 1013 public health, such as+ white goods; automotive materials, such
 1014 as batteries and tires; petroleum products; pesticides;
 1015 solvents; or hazardous substances, is not covered under this
 1016 exemption.

1017 (b) Storage in containers by persons of solid waste
 1018 resulting from their own activities on their property, leased or
 1019 rented property, or property subject to a homeowners or
 1020 maintenance association for which the person contributes
 1021 association assessments, if the solid waste in such containers
 1022 is collected at least once a week.

1023 (c) Disposal by persons of solid waste resulting from
 1024 their own activities on their property, if provided the
 1025 environmental effects of such disposal on groundwater and
 1026 surface waters are:

1027 1. Addressed or authorized by a site certification order
 1028 issued under part II or a permit issued by the department under
 1029 ~~pursuant to~~ this chapter or rules adopted pursuant to this
 1030 chapter thereto; or

1031 2. Addressed or authorized by, or exempted from the
 1032 requirement to obtain, a groundwater monitoring plan approved by
 1033 the department.

1034 (d) Disposal by persons of solid waste resulting from
 1035 their own activities on their own property, if provided ~~that~~
 1036 such disposal occurred prior to October 1, 1988.

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1037 (e) Disposal of solid waste resulting from normal farming
 1038 operations as defined by department rule. Polyethylene
 1039 agricultural plastic, damaged, nonsalvageable, untreated wood
 1040 pallets, and packing material that cannot be feasibly recycled,
 1041 which are used in connection with agricultural operations
 1042 related to the growing, harvesting, or maintenance of crops, may
 1043 be disposed of by open burning if a, ~~provided that no~~ public
 1044 nuisance or any condition adversely affecting the environment or
 1045 the public health is not created by the open burning ~~thereby~~ and
 1046 ~~that~~ state or federal ambient air quality standards are not
 1047 violated.

1048 (f) The use of clean debris as fill material in any area.
 1049 However, this paragraph does not exempt any person from
 1050 obtaining any other required permits, and ~~nor~~ does not ~~it~~ affect
 1051 a person's responsibility to dispose of clean debris
 1052 appropriately if it is not to be used as fill material.

1053 (g) Compost operations that produce less than 50 cubic
 1054 yards of compost per year when the compost produced is used on
 1055 the property where the compost operation is located.

1056 (3) All applicable provisions of ss. 403.087 and 403.088,
 1057 relating to permits, apply to the control of solid waste
 1058 management facilities.

1059 (4) When application for a construction permit for a Class
 1060 I ~~or Class II~~ solid waste disposal facility ~~area~~ is made, it is
 1061 the duty of the department to provide a copy of the application,
 1062 within 7 days after filing, to the water management district
 1063 having jurisdiction where the area is to be located. The water
 1064 management district may prepare an advisory report as to the

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1065 impact on water resources. This report must ~~shall~~ contain the
 1066 district's recommendations as to the disposition of the
 1067 application and shall be submitted to the department no later
 1068 than 30 days prior to the deadline for final agency action by
 1069 the department. However, the failure of the department or the
 1070 water management district to comply with the provisions of this
 1071 subsection shall not be the basis for the denial, revocation, or
 1072 remand of any permit or order issued by the department.

1073 (5) The department may not issue a construction permit
 1074 pursuant to this part for a new solid waste landfill within
 1075 3,000 feet of Class I surface waters.

1076 (6) The department may issue a construction permit
 1077 pursuant to this part only to a solid waste management facility
 1078 that provides the conditions necessary to control the safe
 1079 movement of wastes or waste constituents into surface or ground
 1080 waters or the atmosphere and that will be operated, maintained,
 1081 and closed by qualified and properly trained personnel. Such
 1082 facility must if necessary:

1083 (a) Use natural or artificial barriers that which are
 1084 capable of controlling lateral or vertical movement of wastes or
 1085 waste constituents into surface or ground waters.

1086 (b) Have a foundation or base that is capable of providing
 1087 support for structures and waste deposits and capable of
 1088 preventing foundation or base failure due to settlement,
 1089 compression, or uplift.

1090 (c) Provide for the most economically feasible, cost-
 1091 effective, and environmentally safe control of leachate, gas,
 1092 stormwater, and disease vectors and prevent the endangerment of

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1093 public health and the environment.

1094
 1095 Open fires, air-curtain incinerators, or trench burning may not
 1096 be used as a means of disposal at a solid waste management
 1097 facility, unless permitted by the department under s. 403.087.

1098 (7) Prior to application for a construction permit, an
 1099 applicant shall designate to the department temporary backup
 1100 disposal areas or processes for the resource recovery facility.
 1101 Failure to designate temporary backup disposal areas or
 1102 processes shall result in a denial of the construction permit.

1103 (8) The department may refuse to issue a permit to an
 1104 applicant who by past conduct in this state has repeatedly
 1105 violated pertinent statutes, rules, or orders or permit terms or
 1106 conditions relating to any solid waste management facility and
 1107 who is deemed to be irresponsible as defined by department rule.
 1108 For the purposes of this subsection, an applicant includes the
 1109 owner or operator of the facility, or if the owner or operator
 1110 is a business entity, a parent of a subsidiary corporation, a
 1111 partner, a corporate officer or director, or a stockholder
 1112 holding more than 50 percent of the stock of the corporation.

1113 ~~(9) Before or on the same day of filing with the~~
 1114 ~~department of an application for any construction permit for the~~
 1115 ~~incineration of biomedical waste which the department may~~
 1116 ~~require by rule, the applicant shall notify each city and county~~
 1117 ~~within 1 mile of the facility of the filing of the application~~
 1118 ~~and shall publish notice of the filing of the application. The~~
 1119 ~~applicant shall publish a second notice of the filing within 14~~
 1120 ~~days after the date of filing. Each notice shall be published in~~

1121 ~~a newspaper of general circulation in the county in which the~~
 1122 ~~facility is located or is proposed to be located.~~
 1123 ~~Notwithstanding the provisions of chapter 50, for purposes of~~
 1124 ~~this section, a "newspaper of general circulation" shall be the~~
 1125 ~~newspaper within the county in which the installation or~~
 1126 ~~facility is proposed which has the largest daily circulation in~~
 1127 ~~that county and has its principal office in that county. If the~~
 1128 ~~newspaper with the largest daily circulation has its principal~~
 1129 ~~office outside the county, the notice shall appear in both the~~
 1130 ~~newspaper with the largest daily circulation in that county, and~~
 1131 ~~a newspaper authorized to publish legal notices in that county.~~

1132 ~~The notice shall contain:~~

1133 ~~(a) The name of the applicant and a brief description of~~
 1134 ~~the facility and its location.~~

1135 ~~(b) The location of the application file and when it is~~
 1136 ~~available for public inspection.~~

1137
 1138 ~~The notice shall be prepared by the applicant and shall comply~~
 1139 ~~with the following format:~~

1140

1141 ~~Notice of Application~~

1142

1143 ~~The Department of Environmental Protection announces receipt of~~
 1144 ~~an application for a permit from (name of applicant) to~~
 1145 ~~(brief description of project). This proposed project will be~~
 1146 ~~located at (location) in (county) (city).~~

1147

1148 ~~This application is being processed and is available for public~~

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1149 ~~inspection during normal business hours, 8:00 a.m. to 5:00 p.m.,~~
1150 ~~Monday through Friday, except legal holidays, at (name and~~
1151 ~~address of office).~~

1152 ~~(10) A permit, which the department may require by rule,~~
1153 ~~for the incineration of biomedical waste, may not be transferred~~
1154 ~~by the permittee to any other entity, except in conformity with~~
1155 ~~the requirements of this subsection.~~

1156 ~~(a) Within 30 days after the sale or legal transfer of a~~
1157 ~~permitted facility, the permittee shall file with the department~~
1158 ~~an application for transfer of the permits on such form as the~~
1159 ~~department shall establish by rule. The form must be completed~~
1160 ~~with the notarized signatures of both the transferring permittee~~
1161 ~~and the proposed permittee.~~

1162 ~~(b) The department shall approve the transfer of a permit~~
1163 ~~unless it determines that the proposed permittee has not~~
1164 ~~provided reasonable assurances that the proposed permittee has~~
1165 ~~the administrative, technical, and financial capability to~~
1166 ~~properly satisfy the requirements and conditions of the permit,~~
1167 ~~as determined by department rule. The determination shall be~~
1168 ~~limited solely to the ability of the proposed permittee to~~
1169 ~~comply with the conditions of the existing permit, and it shall~~
1170 ~~not concern the adequacy of the permit conditions. If the~~
1171 ~~department proposes to deny the transfer, it shall provide both~~
1172 ~~the transferring permittee and the proposed permittee a written~~
1173 ~~objection to such transfer together with notice of a right to~~
1174 ~~request a proceeding on such determination under chapter 120.~~

1175 ~~(c) Within 90 days after receiving a properly completed~~
1176 ~~application for transfer of a permit, the department shall issue~~

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1177 ~~a final determination. The department may toll the time for~~
1178 ~~making a determination on the transfer by notifying both the~~
1179 ~~transferring permittee and the proposed permittee that~~
1180 ~~additional information is required to adequately review the~~
1181 ~~transfer request. Such notification shall be provided within 30~~
1182 ~~days after receipt of an application for transfer of the permit,~~
1183 ~~completed pursuant to paragraph (a). If the department fails to~~
1184 ~~take action to approve or deny the transfer within 90 days after~~
1185 ~~receipt of the completed application or within 90 days after~~
1186 ~~receipt of the last item of timely requested additional~~
1187 ~~information, the transfer shall be deemed approved.~~

1188 ~~(d) The transferring permittee is encouraged to apply for~~
1189 ~~a permit transfer well in advance of the sale or legal transfer~~
1190 ~~of a permitted facility. However, the transfer of the permit~~
1191 ~~shall not be effective prior to the sale or legal transfer of~~
1192 ~~the facility.~~

1193 ~~(e) Until the transfer of the permit is approved by the~~
1194 ~~department, the transferring permittee and any other person~~
1195 ~~constructing, operating, or maintaining the permitted facility~~
1196 ~~shall be liable for compliance with the terms of the permit.~~
1197 ~~Nothing in this section shall relieve the transferring permittee~~
1198 ~~of liability for corrective actions that may be required as a~~
1199 ~~result of any violations occurring prior to the legal transfer~~
1200 ~~of the permit.~~

1201 ~~(11) The department shall review all permit applications~~
1202 ~~for any designated Class I solid waste disposal facility. As~~
1203 ~~used in this subsection, the term "designated Class I solid~~
1204 ~~waste disposal facility" means any facility that is, as of May~~

1205 ~~12, 1993, a solid waste disposal facility classified as an~~
 1206 ~~active Class I landfill by the department, that is located in~~
 1207 ~~whole or in part within 1,000 feet of the boundary of any~~
 1208 ~~municipality, but that is not located within any county with an~~
 1209 ~~approved charter or consolidated municipal government, is not~~
 1210 ~~located within any municipality, and is not operated by a~~
 1211 ~~municipality. The department shall not permit vertical expansion~~
 1212 ~~or horizontal expansion of any designated Class I solid waste~~
 1213 ~~disposal facility unless the application for such permit was~~
 1214 ~~filed before January 1, 1993, and no solid waste management~~
 1215 ~~facility may be operated which is a vertical expansion or~~
 1216 ~~horizontal expansion of a designated Class I solid waste~~
 1217 ~~disposal facility. As used in this subsection, the term~~
 1218 ~~"vertical expansion" means any activity that will result in an~~
 1219 ~~increase in the height of a designated Class I solid waste~~
 1220 ~~disposal facility above 100 feet National Geodetic Vertical~~
 1221 ~~Datum, except solely for closure, and the term "horizontal~~
 1222 ~~expansion" means any activity that will result in an increase in~~
 1223 ~~the ground area covered by a designated Class I solid waste~~
 1224 ~~disposal facility, or if within 1 mile of a designated Class I~~
 1225 ~~solid waste disposal facility, any new or expanded operation of~~
 1226 ~~any solid waste disposal facility or area, or of incineration of~~
 1227 ~~solid waste, or of storage of solid waste for more than 1 year,~~
 1228 ~~or of composting of solid waste other than yard trash.~~

1229 (9)~~(12)~~ The department shall establish a separate category
 1230 for solid waste management facilities that ~~which~~ accept only
 1231 construction and demolition debris for disposal or recycling.
 1232 The department shall establish a reasonable schedule for

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1233 existing facilities to comply with this section to avoid undue
 1234 hardship to such facilities. However, a permitted solid waste
 1235 disposal unit that ~~which~~ receives a significant amount of waste
 1236 prior to the compliance deadline established in this schedule
 1237 shall not be required to be retrofitted with liners or leachate
 1238 control systems. ~~Facilities accepting materials defined in s.~~
 1239 ~~403.703(17)(b) must implement a groundwater monitoring system~~
 1240 ~~adequate to detect contaminants that may reasonably be expected~~
 1241 ~~to result from such disposal prior to the acceptance of those~~
 1242 ~~materials.~~

1243 (a) The department shall establish reasonable
 1244 construction, operation, monitoring, recordkeeping, financial
 1245 assurance, and closure requirements for such facilities. The
 1246 department shall take into account the nature of the waste
 1247 accepted at various facilities when establishing these
 1248 requirements, and may impose less stringent requirements,
 1249 including a system of general permits or registration
 1250 requirements, for facilities that accept only a segregated waste
 1251 stream which is expected to pose a minimal risk to the
 1252 environment and public health, such as clean debris. The
 1253 Legislature recognizes that incidental amounts of other types of
 1254 solid waste are commonly generated at construction or demolition
 1255 projects. In any enforcement action taken pursuant to this
 1256 section, the department shall consider the difficulty of
 1257 removing these incidental amounts from the waste stream.

1258 (b) The department shall not require liners and leachate
 1259 collection systems at individual facilities unless it
 1260 demonstrates, based upon the types of waste received, the

1261 methods for controlling types of waste disposed of, the
 1262 proximity of groundwater and surface water, and the results of
 1263 the hydrogeological and geotechnical investigations, that the
 1264 facility is reasonably expected to result in violations of
 1265 groundwater standards and criteria otherwise.

1266 (c) The owner or operator shall provide financial
 1267 assurance for closing of the facility in accordance with the
 1268 requirements of s. 403.7125. The financial assurance shall cover
 1269 the cost of closing the facility and 5 years of long-term care
 1270 after closing, unless the department determines, based upon
 1271 hydrogeologic conditions, the types of wastes received, or the
 1272 groundwater monitoring results, that a different long-term care
 1273 period is appropriate. However, unless the owner or operator of
 1274 the facility is a local government, the escrow account described
 1275 in s. 403.7125(2) ~~s. 403.7125(3)~~ may not be used as a financial
 1276 assurance mechanism.

1277 (d) The department shall establish training requirements
 1278 for operators of facilities, and shall work with the State
 1279 University System or other providers to assure that adequate
 1280 training courses are available. The department shall also assist
 1281 the Florida Home Builders Association in establishing a
 1282 component of its continuing education program to address proper
 1283 handling of construction and demolition debris, including best
 1284 management practices for reducing contamination of the
 1285 construction and demolition debris waste stream.

1286 (e) The issuance of a permit under this subsection does
 1287 not obviate the need to comply with all applicable zoning and
 1288 land use regulations.

1289 (f) A permit is not required under this section for the
 1290 disposal of construction and demolition debris on the property
 1291 where it is generated, but such property must be covered,
 1292 graded, and vegetated as necessary when disposal is complete.

1293 (g) It is the policy of the Legislature to encourage
 1294 facilities to recycle. The department shall establish criteria
 1295 and guidelines that encourage recycling where practical and
 1296 provide for the use of recycled materials in a manner that
 1297 protects the public health and the environment. Facilities are
 1298 authorized to recycle, provided such activities do not conflict
 1299 with such criteria and guidelines.

1300 (h) The department shall ensure that the requirements of
 1301 this section are applied and interpreted consistently throughout
 1302 the state. In accordance with s. 20.255, the Division of Waste
 1303 Management shall direct the district offices and bureaus on
 1304 matters relating to the interpretation and applicability of this
 1305 section.

1306 (i) The department shall provide notice of receipt of a
 1307 permit application for the initial construction of a
 1308 construction and demolition debris disposal facility to the
 1309 local governments having jurisdiction where the facility is to
 1310 be located.

1311 (j) The Legislature recognizes that recycling, waste
 1312 reduction, and resource recovery are important aspects of an
 1313 integrated solid waste management program and as such are
 1314 necessary to protect the public health and the environment. If
 1315 necessary to promote such an integrated program, the county may
 1316 determine, after providing notice and an opportunity for a

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1317 hearing prior to April 30, 2008 ~~December 31, 1996~~, that some or
 1318 all of the wood material described in s. 403.703(6)(b) ~~s.~~
 1319 ~~403.703(17)(b)~~ shall be excluded from the definition of
 1320 "construction and demolition debris" in s. 403.703(6) ~~s.~~
 1321 ~~403.703(17)~~ within the jurisdiction of such county. The county
 1322 may make such a determination only if it finds that, prior to
 1323 June 1, 2007 ~~1996~~, the county has established an adequate method
 1324 for the use or recycling of such wood material at an existing or
 1325 proposed solid waste management facility that is permitted or
 1326 authorized by the department on June 1, 2007 ~~1996~~. The county is
 1327 ~~shall~~ not be required to hold a hearing if the county represents
 1328 that it previously has held a hearing for such purpose, or ~~nor~~
 1329 ~~shall the county be required to hold a hearing~~ if the county
 1330 represents that it previously has held a public meeting or
 1331 hearing that authorized such method for the use or recycling of
 1332 trash or other nonputrescible waste materials and ~~if the county~~
 1333 ~~further represents~~ that such materials include those materials
 1334 described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~. The county
 1335 shall provide written notice of its determination to the
 1336 department by no later than April 30, 2008 ~~December 31, 1996~~;
 1337 thereafter, the ~~wood~~ materials described in s. 403.703(6) ~~s.~~
 1338 ~~403.703(17)(b)~~ shall be excluded from the definition of
 1339 "construction and demolition debris" in s. 403.703(6) ~~s.~~
 1340 ~~403.703(17)~~ within the jurisdiction of such county. The county
 1341 may withdraw or revoke its determination at any time by
 1342 providing written notice to the department.

1343 (k) Brazilian pepper and other invasive exotic plant
 1344 species as designated by the department resulting from

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1345 eradication projects may be processed at permitted construction
 1346 and demolition debris recycling facilities or disposed of at
 1347 permitted construction and demolition debris disposal facilities
 1348 or Class III facilities. The department may adopt rules to
 1349 implement this paragraph.

1350 (10)~~(13)~~ If the department and a local government
 1351 independently require financial assurance for the closure of a
 1352 privately owned solid waste management facility, the department
 1353 and that local government shall enter into an interagency
 1354 agreement that will allow the owner or operator to provide a
 1355 single financial mechanism to cover the costs of closure and any
 1356 required long-term care. The financial mechanism may provide for
 1357 the department and local government to be cobeneficiaries or
 1358 copayees, but shall not impose duplicative financial
 1359 requirements on the owner or operator. These closure costs must
 1360 include at least the minimum required by department rules and
 1361 must also include any additional costs required by local
 1362 ordinance or regulation.

1363 (11)~~(14)~~ Before or on the same day of filing with the
 1364 department of an application for a permit to construct or
 1365 substantially modify a solid waste management facility, the
 1366 applicant shall notify the local government having jurisdiction
 1367 over the facility of the filing of the application. The
 1368 applicant also shall publish notice of the filing of the
 1369 application in a newspaper of general circulation in the area
 1370 where the facility will be located. Notice shall be given and
 1371 published in accordance with applicable department rules. The
 1372 department shall not issue the requested permit until the

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1373 applicant has provided the department with proof that the
1374 notices required by this subsection have been given. Issuance of
1375 a permit does not relieve an applicant from compliance with
1376 local zoning or land use ordinances, or with any other law,
1377 rules, or ordinances.

1378 (12)~~(15)~~ Construction and demolition debris must be
1379 separated from the solid waste stream and segregated in separate
1380 locations at a solid waste disposal facility or other permitted
1381 site.

1382 (13)~~(16)~~ A No facility shall not be considered a solid
1383 waste disposal facility, solely by virtue of the fact that it
1384 uses processed yard trash or clean wood or paper waste as a fuel
1385 source, ~~shall be considered to be a solid waste disposal~~
1386 ~~facility.~~

1387 (14) (a) A permit to operate a solid waste management
1388 facility may not be transferred by the permittee to any other
1389 entity without the consent of the department. If the permitted
1390 facility is sold or transferred, or if control of the facility
1391 is transferred, the permittee must submit to the department an
1392 application for transfer of permit no later than 30 days after
1393 the transfer of ownership or control. The department shall
1394 approve the transfer of a permit unless it determines that the
1395 proposed new permittee has not provided reasonable assurance
1396 that the conditions of the permit will be met. A permit may not
1397 be transferred until any proof of financial assurance required
1398 by department rule is provided by the proposed new permittee. If
1399 the existing permittee is under a continuing obligation to
1400 perform corrective actions as a result of a department

1401 enforcement action or consent order, the permit may not be
 1402 transferred until the proposed new permittee agrees in writing
 1403 to accept responsibility for performing such corrective actions.

1404 (b) Until the transfer is approved by the department, the
 1405 existing permittee is liable for compliance with the permit,
 1406 including the financial assurance requirements. When the
 1407 transfer has been approved, the department shall return to the
 1408 transferring permittee any means of proof of financial assurance
 1409 which the permittee provided to the department and the permittee
 1410 is released from obligations to comply with the transferred
 1411 permit.

1412 (c) An application for the transfer of a permit must
 1413 clearly state in bold letters that the permit may not be
 1414 transferred without proof of compliance with financial assurance
 1415 requirements. Until the permit is transferred, the new owner or
 1416 operator may not operate the facility without the express
 1417 consent of the permittee.

1418 (d) The department may adopt rules to administer this
 1419 subsection, including procedural rules and the permit-transfer
 1420 form.

1421 Section 13. Section 403.7071, Florida Statutes, is created
 1422 to read:

1423 403.7071 Management of storm-generated debris.--Solid
 1424 waste generated as a result of a storm event that is the subject
 1425 of an emergency order issued by the department may be managed as
 1426 follows:

1427 (1) Recycling and reuse of storm-generated vegetative
 1428 debris is encouraged to the greatest extent practicable. Such

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1429 recycling and reuse must be conducted in accordance with
1430 applicable department rules and may include, but is not limited
1431 to, chipping and grinding of the vegetative debris to be
1432 beneficially used as a ground cover or soil amendment, compost,
1433 or as a combustible fuel for any applicable commercial or
1434 industrial application.

1435 (2) The department may issue field authorizations for
1436 staging areas in those counties affected by a storm event. Such
1437 staging areas may be used for the temporary storage and
1438 management of storm-generated debris, including the chipping,
1439 grinding, or burning of vegetative debris. Field authorizations
1440 may include specific conditions for the operation and closure of
1441 the staging area and must specify the date that closure is
1442 required. To the greatest extent possible, staging areas may not
1443 be located in wetlands or other surface waters. The area that is
1444 used or affected by a staging area must be fully restored upon
1445 cessation of the use of the area.

1446 (3) Storm-generated vegetative debris managed at a staging
1447 area may be disposed of in a permitted lined or unlined
1448 landfill, a permitted land clearing debris facility, a permitted
1449 or certified waste-to-energy facility, or a permitted
1450 construction and demolition debris disposal facility. Vegetative
1451 debris may also be managed at a permitted waste processing
1452 facility or a registered yard-trash processing facility.

1453 (4) Construction and demolition debris that is mixed with
1454 other storm-generated debris need not be segregated from other
1455 solid waste before disposal in a lined landfill. Construction
1456 and demolition debris that is source separated or is separated

1457 from other hurricane-generated debris at an authorized staging
 1458 area, or at another area permitted or specifically authorized by
 1459 the department, may be managed at a permitted construction and
 1460 demolition debris disposal facility, a Class III landfill, or a
 1461 recycling facility upon approval by the department of the
 1462 methods and operational practices used to inspect the waste
 1463 during segregation.

1464 (5) Unsalvageable refrigerators and freezers containing
 1465 solid waste, such as rotting food, which may create a sanitary
 1466 nuisance may be disposed of in a permitted lined landfill;
 1467 however, chlorofluorocarbons and capacitors must be removed and
 1468 recycled to the greatest extent practicable.

1469 (6) Local governments or their agents may conduct the
 1470 burning of storm-generated yard trash, other storm-generated
 1471 vegetative debris, or untreated wood from construction and
 1472 demolition debris in air-curtain incinerators without prior
 1473 notice to the department. Within 10 days after commencing such
 1474 burning, the local government shall notify the department in
 1475 writing describing the general nature of the materials burned;
 1476 the location and method of burning; and the name, address, and
 1477 telephone number of the representative of the local government
 1478 to contact concerning the work. The operator of the air-curtain
 1479 incinerator is subject to any requirement of the Division of
 1480 Forestry or of any other agency concerning authorization to
 1481 conduct open burning. Any person conducting open burning of
 1482 vegetative debris is also subject to such requirements.

1483 Section 14. Section 403.708, Florida Statutes, is amended
 1484 to read:

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1485 403.708 Prohibition; penalty.--

1486 (1) A ~~No~~ person may not ~~shall~~:

1487 (a) Place or deposit any solid waste in or on the land or
 1488 waters located within the state except in a manner approved by
 1489 the department and consistent with applicable approved programs
 1490 of counties or municipalities. However, ~~nothing in this act~~ does
 1491 not ~~shall be construed to~~ prohibit the disposal of solid waste
 1492 without a permit as provided in s. 403.707(2).

1493 (b) Burn solid waste except in a manner prescribed by the
 1494 department and consistent with applicable approved programs of
 1495 counties or municipalities.

1496 (c) Construct, alter, modify, or operate a solid waste
 1497 management facility or site without first having obtained from
 1498 the department any permit required by s. 403.707.

1499 (2) A ~~No~~ beverage may not ~~shall~~ be sold or offered for
 1500 sale within the state in a beverage container designed and
 1501 constructed so that the container is opened by detaching a metal
 1502 ring or tab. As used in this subsection, the term

1503 ~~(3) For purposes of subsections (2), (9), and (10):~~

1504 ~~(a) "Degradable," with respect to any material, means that~~
 1505 ~~such material, after being discarded, is capable of decomposing~~
 1506 ~~to components other than heavy metals or other toxic substances,~~
 1507 ~~after exposure to bacteria, light, or outdoor elements.~~

1508 (a) ~~(b)~~ "Beverage" means soda water, carbonated natural or
 1509 mineral water, or other nonalcoholic carbonated drinks; soft
 1510 drinks, whether or not carbonated; beer, ale, or other malt
 1511 drink of whatever alcoholic content; or a mixed wine drink or a
 1512 mixed spirit drink.

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1513 (b) ~~(e)~~ "Beverage container" means an airtight container
 1514 that ~~which~~ at the time of sale contains 1 gallon or less of a
 1515 beverage, or the metric equivalent of 1 gallon or less, and that
 1516 ~~which~~ is composed of metal, plastic, or glass or a combination
 1517 thereof.

1518 (3) ~~(4)~~ The Division of Alcoholic Beverages and Tobacco of
 1519 the Department of Business and Professional Regulation may
 1520 impose a fine of not more than \$100 on any person currently
 1521 licensed pursuant to s. 561.14 for each violation of ~~the~~
 1522 ~~provisions of~~ subsection (2). If the violation is of a
 1523 continuing nature, each day during which such violation occurs
 1524 constitutes ~~shall constitute~~ a separate and ~~distinct~~ offense and
 1525 is ~~shall be~~ subject to a separate fine.

1526 (4) ~~(5)~~ The Department of Agriculture and Consumer Services
 1527 may impose a fine of not more than \$100 against ~~on~~ any person
 1528 not currently licensed pursuant to s. 561.14 for each violation
 1529 of the provisions of subsection (2). If the violation is of a
 1530 continuing nature, each day during which such violation occurs
 1531 constitutes ~~shall constitute~~ a separate and ~~distinct~~ offense and
 1532 is ~~shall be~~ subject to a separate fine.

1533 (5) ~~(6)~~ Fifty percent of each fine collected pursuant to
 1534 subsections (3) ~~(4)~~ and (4) ~~(5)~~ shall be deposited into the
 1535 Solid Waste Management Trust Fund. The balance of fines
 1536 collected pursuant to subsection (3) ~~(4)~~ shall be deposited into
 1537 the Alcoholic Beverage and Tobacco Trust Fund for the use of the
 1538 division for inspection and enforcement of ~~the provisions of~~
 1539 this section. The balance of fines collected pursuant to
 1540 subsection (4) ~~(5)~~ shall be deposited into the General

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1541 Inspection Trust Fund for the use of the Department of
 1542 Agriculture and Consumer Services for inspection and enforcement
 1543 of ~~the provisions of~~ this section.

1544 (6)~~(7)~~ The Division of Alcoholic Beverages and Tobacco and
 1545 the Department of Agriculture and Consumer Services shall
 1546 coordinate their responsibilities under ~~the provisions of~~ this
 1547 section to ensure that inspections and enforcement are
 1548 accomplished in an efficient, cost-effective manner.

1549 (7)~~(8)~~ A person may not distribute, sell, or expose for
 1550 sale in this state any plastic bottle or rigid container
 1551 intended for single use unless such container has a molded label
 1552 indicating the plastic resin used to produce the plastic
 1553 container. The label must appear on or near the bottom of the
 1554 plastic container product and be clearly visible. This label
 1555 must consist of a number placed inside a triangle and letters
 1556 placed below the triangle. The triangle must be equilateral and
 1557 must be formed by three arrows, and, in the middle of each
 1558 arrow, there must be a rounded bend that forms one apex of the
 1559 triangle. The pointer, or arrowhead, of each arrow must be at
 1560 the midpoint of a side of the triangle, and a short gap must
 1561 separate each pointer from the base of the adjacent arrow. The
 1562 three curved arrows that form the triangle must depict a
 1563 clockwise path around the code number. Plastic bottles of less
 1564 than 16 ounces, rigid plastic containers of less than 8 ounces,
 1565 and plastic casings on lead-acid storage batteries are not
 1566 required to be labeled under this subsection ~~section~~. The
 1567 numbers and letters must be as follows:

1568 (a) For polyethylene terephthalate, the letters "PETE" and

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1569 the number 1.

1570 (b) For high-density polyethylene, the letters "HDPE" and
1571 the number 2.

1572 (c) For vinyl, the letter "V" and the number 3.

1573 (d) For low-density polyethylene, the letters "LDPE" and
1574 the number 4.

1575 (e) For polypropylene, the letters "PP" and the number 5.

1576 (f) For polystyrene, the letters "PS" and the number 6.

1577 (g) For any other, the letters "OTHER" and the number 7.

1578 (8)~~(9)~~ A ~~No~~ person may not ~~shall~~ distribute, sell, or
1579 expose for sale in this state any product packaged in a
1580 container or packing material manufactured with fully
1581 halogenated chlorofluorocarbons ~~(CFC)~~. Producers of containers
1582 or packing material manufactured with chlorofluorocarbons ~~(CFC)~~
1583 are urged to introduce alternative packaging materials that
1584 ~~which~~ are environmentally compatible.

1585 (9)~~(10)~~ The packaging of products manufactured or sold in
1586 the state may not be controlled by governmental rule,
1587 regulation, or ordinance adopted after March 1, 1974, other than
1588 as expressly provided in this act.

1589 (10)~~(11)~~ Violations of this part or rules, regulations,
1590 permits, or orders issued thereunder by the department and
1591 violations of approved local programs of counties or
1592 municipalities or rules, regulations, or orders issued
1593 thereunder are ~~shall be~~ punishable by a civil penalty as
1594 provided in s. 403.141.

1595 (11)~~(12)~~ The department or any county or municipality may
1596 also seek to enjoin the violation of, or enforce compliance

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1597 with, this part or any program adopted hereunder as provided in
 1598 s. 403.131.

1599 ~~(12)-(13) A In accordance with the following schedule, no~~
 1600 person who knows or ~~who~~ should know of the nature of the
 1601 following types of such solid waste may not ~~shall~~ dispose of
 1602 such solid waste in landfills:

1603 (a) Lead-acid batteries, ~~after January 1, 1989~~. Lead-acid
 1604 batteries also may ~~shall~~ not be disposed of in any waste-to-
 1605 energy facility ~~after January 1, 1989~~. To encourage proper
 1606 collection and recycling, all persons who sell lead-acid
 1607 batteries at retail shall accept used lead-acid batteries as
 1608 trade-ins for new lead-acid batteries.

1609 (b) Used oil, ~~after October 1, 1988~~.

1610 (c) Yard trash, ~~after January 1, 1992, except in lined~~
 1611 ~~unlined~~ landfills classified by department rule as Class I
 1612 landfills. Yard trash that is source separated from solid waste
 1613 may be accepted at a solid waste disposal area where ~~the area~~
 1614 ~~provides and maintains~~ separate yard trash composting facilities
 1615 are provided and maintained. The department recognizes that
 1616 incidental amounts of yard trash may be disposed of in Class I
 1617 ~~lined~~ landfills. In any enforcement action taken pursuant to
 1618 this paragraph, the department shall consider the difficulty of
 1619 removing incidental amounts of yard trash from a mixed solid
 1620 waste stream.

1621 (d) White goods, ~~after January 1, 1990~~.

1622
 1623 ~~Prior to the effective dates specified in paragraphs (a) (d),~~
 1624 ~~the department shall identify and assist in developing~~

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1625 ~~alternative disposal, processing, or recycling options for the~~
1626 ~~solid wastes identified in paragraphs (a) (d).~~

1627 Section 15. Section 403.709, Florida Statutes, is amended
1628 to read:

1629 403.709 Solid Waste Management Trust Fund; use of waste
1630 tire fees.--There is created the Solid Waste Management Trust
1631 Fund, to be administered by the department.

1632 (1) From the annual revenues deposited in the trust fund,
1633 unless otherwise specified in the General Appropriations Act:

1634 (a)~~(1)~~ Up to 40 percent shall be used for funding solid
1635 waste activities of the department and other state agencies,
1636 such as providing technical assistance to local governments and
1637 the private sector, performing solid waste regulatory and
1638 enforcement functions, preparing solid waste documents, and
1639 implementing solid waste education programs.

1640 (b)~~(2)~~ Up to 4.5 percent shall be used for funding
1641 research and training programs relating to solid waste
1642 management through the Center for Solid and Hazardous Waste
1643 Management and other organizations that ~~which~~ can reasonably
1644 demonstrate the capability to carry out such projects.

1645 (c)~~(3)~~ Up to 11 percent shall be used for funding to
1646 supplement any other funds provided to the Department of
1647 Agriculture and Consumer Services for mosquito control. This
1648 distribution shall be annually transferred to the General
1649 Inspection Trust Fund in the Department of Agriculture and
1650 Consumer Services to be used for mosquito control, especially
1651 control of West Nile Virus.

1652 (d)~~(4)~~ Up to 4.5 percent shall be used for funding to the

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1653 Department of Transportation for litter prevention and control
1654 programs through a certified Keep America Beautiful Affiliate at
1655 the local level ~~coordinated by Keep Florida Beautiful, Inc.~~

1656 (e)~~(5)~~ A minimum of 40 percent shall be used for funding a
1657 competitive and innovative grant program pursuant to s. 403.7095
1658 for activities relating to recycling and waste reduction
1659 ~~reducing the volume of municipal solid waste~~, including waste
1660 tires requiring final disposal.

1661 (2)~~(6)~~ The department shall recover to the use of the fund
1662 from the site owner or the person responsible for the
1663 accumulation of tires at the site, jointly and severally, all
1664 sums expended from the fund pursuant to this section to manage
1665 tires at an illegal waste tire site, except that the department
1666 may decline to pursue such recovery if it finds the amount
1667 involved too small or the likelihood of recovery too uncertain.
1668 If a court determines that the owner is unable or unwilling to
1669 comply with the rules adopted pursuant to this section or s.
1670 403.717, the court may authorize the department to take
1671 possession and control of the waste tire site in order to
1672 protect the health, safety, and welfare of the community and the
1673 environment.

1674 (3)~~(7)~~ The department may impose a lien on the real
1675 property on which the waste tire site is located and the waste
1676 tires equal to the estimated cost to bring the tire site into
1677 compliance, including attorney's fees and court costs. Any owner
1678 whose property has such a lien imposed may release her or his
1679 property from any lien claimed under this subsection by filing
1680 with the clerk of the circuit court a cash or surety bond,

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1681 payable to the department in the amount of the estimated cost of
 1682 bringing the tire site into compliance with department rules,
 1683 including attorney's fees and court costs, or the value of the
 1684 property after the abatement action is complete, whichever is
 1685 less. A lien provided by this subsection may not continue for a
 1686 period longer than 4 years after the abatement action is
 1687 completed, unless within that period an action to enforce the
 1688 lien is commenced in a court of competent jurisdiction. The
 1689 department may take action to enforce the lien in the same
 1690 manner used for construction liens under part I of chapter 713.

1691 ~~(4)-(8)~~ This section does not limit the use of other
 1692 remedies available to the department.

1693 Section 16. Subsections (1), (2), and (5) of section
 1694 403.7095, Florida Statutes, are amended to read:

1695 403.7095 Solid waste management grant program.--

1696 (1) The department shall develop a competitive and
 1697 innovative grant program for counties, municipalities, special
 1698 districts, and nonprofit organizations that have legal
 1699 responsibility for the provision of solid waste management
 1700 services. For purposes of this program, "innovative" means that
 1701 the process, technology, or activity for which funding is sought
 1702 has not previously been implemented within the jurisdiction of
 1703 the applicant. The applicant must ~~that~~:

1704 (a) Demonstrate technologies or processes ~~that are not in~~
 1705 ~~common use in Florida,~~ that represent a novel application of an
 1706 existing technology or process to recycle or reduce waste, or
 1707 that overcome obstacles to recycling or ~~and~~ waste reduction in
 1708 new or innovative ways;

1709 (b) Demonstrate innovative processes to collect and
 1710 recycle or reduce materials targeted by the department and the
 1711 recycling industry; or

1712 (c) Demonstrate effective solutions to solving solid waste
 1713 problems resulting from waste tires, particularly in the areas
 1714 of enforcement and abatement of illegal tire dumping and
 1715 activities to promote market development of waste tire products.
 1716

1717 Because the Legislature recognizes that input from the recycling
 1718 industry is essential to the success of this grant program, the
 1719 department shall cooperate with private sector entities to
 1720 develop a process and define specific criteria for allowing
 1721 their participation with grant recipients.

1722 (2) The department shall evaluate and prioritize the
 1723 annual grant proposals and present the annual prioritized list
 1724 of projects to be funded to the Governor and the Legislature as
 1725 part of its annual budget request submitted pursuant to chapter
 1726 216, ~~beginning with fiscal year 2003-2004~~. Potential grant
 1727 recipients are encouraged to demonstrate local support for grant
 1728 proposals by the commitment of cash or in-kind matching funds.

1729 (5) From the funds made available pursuant to s.
 1730 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by
 1731 this section, the following distributions shall be made:

1732 (a) Up to 15 percent for the program described in
 1733 subsection (1);

1734 (b) Up to 35 percent for the program described in
 1735 subsection (3); and

1736 (c) Up to 50 percent for the program described in

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1737 subsection (4).

1738 Section 17. Section 403.7125, Florida Statutes, is amended
 1739 to read:

1740 403.7125 Financial assurance for closure ~~Landfill~~
 1741 ~~management escrow account.~~ --

1742 ~~(1) As used in this section:~~

1743 ~~(a) "Landfill" means any solid waste land disposal area~~
 1744 ~~for which a permit, other than a general permit, is required by~~
 1745 ~~s. 403.707 that receives solid waste for disposal in or upon~~
 1746 ~~land other than a land-spreading site, injection well, or a~~
 1747 ~~surface impoundment.~~

1748 ~~(b) "Closure" means the ceasing operation of a landfill~~
 1749 ~~and securing such landfill so that it does not pose a~~
 1750 ~~significant threat to public health or the environment and~~
 1751 ~~includes long term monitoring and maintenance of a landfill.~~

1752 ~~(c) "Owner or operator" means, in addition to the usual~~
 1753 ~~meanings of the term, any owner of record of any interest in~~
 1754 ~~land whereon a landfill is or has been located and any person or~~
 1755 ~~corporation which owns a majority interest in any other~~
 1756 ~~corporation which is the owner or operator of a landfill.~~

1757 (1)(2) Every owner or operator of a landfill is jointly
 1758 and severally liable for the improper operation and closure of
 1759 the landfill, as provided by law. As used in this section, the
 1760 term "owner or operator" means any owner of record of any
 1761 interest in land wherein a landfill is or has been located and
 1762 any person or corporation that owns a majority interest in any
 1763 other corporation that is the owner or operator of a landfill.

1764 (2)(3) The owner or operator of a landfill owned or

1765 operated by a local or state government or the Federal
 1766 Government shall establish a fee, or a surcharge on existing
 1767 fees or other appropriate revenue-producing mechanism, to ensure
 1768 the availability of financial resources for the proper closure
 1769 of the landfill. However, the disposal of solid waste by persons
 1770 on their own property, as described in s. 403.707(2), is exempt
 1771 from ~~the provisions of~~ this section.

1772 (a) The revenue-producing mechanism must produce revenue
 1773 at a rate sufficient to generate funds to meet state and federal
 1774 landfill closure requirements.

1775 (b) The revenue shall be deposited in an interest-bearing
 1776 escrow account to be held and administered by the owner or
 1777 operator. The owner or operator shall file with the department
 1778 an annual audit of the account. The audit shall be conducted by
 1779 an independent certified public accountant. Failure to collect
 1780 or report such revenue, except as allowed in subsection (3) ~~(4)~~,
 1781 is a noncriminal violation punishable by a fine of not more than
 1782 \$5,000 for each offense. The owner or operator may make
 1783 expenditures from the account and its accumulated interest only
 1784 for the purpose of landfill closure and, if such expenditures do
 1785 not deplete the fund to the detriment of eventual closure, for
 1786 planning and construction of resource recovery or landfill
 1787 facilities. Any moneys remaining in the account after paying for
 1788 proper and complete closure, as determined by the department,
 1789 shall, if the owner or operator does not operate a landfill, be
 1790 deposited by the owner or operator into the general fund or the
 1791 appropriate solid waste fund of the local government of
 1792 jurisdiction.

1793 (c) The revenue generated under this subsection and any
 1794 accumulated interest thereon may be applied to the payment of,
 1795 or pledged as security for, the payment of revenue bonds issued
 1796 in whole or in part for the purpose of complying with state and
 1797 federal landfill closure requirements. Such application or
 1798 pledge may be made directly in the proceedings authorizing such
 1799 bonds or in an agreement with an insurer of bonds to assure such
 1800 insurer of additional security therefor.

1801 (d) The provisions of s. 212.055 which ~~that~~ relate to
 1802 raising of revenues for landfill closure or long-term
 1803 maintenance do not relieve a landfill owner or operator from the
 1804 obligations of this section.

1805 (e) The owner or operator of any landfill that established
 1806 an escrow account in accordance with this section and the
 1807 conditions of its permit prior to January 1, 2007, may continue
 1808 to use that escrow account to provide financial assurance for
 1809 closure of that landfill, even if that landfill is not owned or
 1810 operated by a local or state government or the Federal
 1811 Government.

1812 (3)(4) An owner or operator of a landfill owned or
 1813 operated by a local or state government or by the Federal
 1814 Government may provide financial assurance to establish proof of
 1815 financial responsibility with the department in lieu of the
 1816 requirements of subsection (2) (3). An owner or operator of any
 1817 other landfill, or any other solid waste management facility
 1818 designated by department rule, shall provide financial assurance
 1819 to the department for the closure of the facility. Such
 1820 financial assurance ~~proof~~ may include surety bonds, certificates

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1821 of deposit, securities, letters of credit, or other documents
 1822 showing that the owner or operator has sufficient financial
 1823 resources to cover, at a minimum, the costs of complying with
 1824 applicable ~~landfill~~ closure requirements. The owner or operator
 1825 shall estimate such costs to the satisfaction of the department.

1826 ~~(4)(5)~~ This section does not repeal, limit, or abrogate
 1827 any other law authorizing local governments to fix, levy, or
 1828 charge rates, fees, or charges for the purpose of complying with
 1829 state and federal landfill closure requirements.

1830 ~~(5)(6)~~ The department shall adopt rules to implement this
 1831 section.

1832 Section 18. Subsections (1) and (3) of section 403.716,
 1833 Florida Statutes, are amended to read:

1834 403.716 Training of operators of solid waste management
 1835 and other facilities.--

1836 (1) The department shall establish qualifications for, and
 1837 encourage the development of training programs for, operators of
 1838 landfills, coordinators of local recycling programs, ~~operators~~
 1839 ~~of waste-to-energy facilities, biomedical waste incinerators,~~
 1840 ~~and mobile soil thermal treatment units or facilities,~~ and
 1841 operators of other solid waste management facilities.

1842 (3) A person may not perform the duties of an operator of
 1843 a landfill without first completing, ~~or perform the duties of an~~
 1844 ~~operator of a waste-to-energy facility, biomedical waste~~
 1845 ~~incinerator, or mobile soil thermal treatment unit or facility,~~
 1846 ~~unless she or he has completed~~ an operator training course
 1847 approved by the department or qualifying ~~she or he has qualified~~
 1848 as an interim operator in compliance with requirements

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1849 established by the department by rule. An owner of a landfill,
 1850 ~~waste-to-energy facility, biomedical waste incinerator, or~~
 1851 ~~mobile soil thermal treatment unit or facility~~ may not employ
 1852 any person to perform the duties of an operator unless such
 1853 person has completed an approved landfill, ~~waste-to-energy~~
 1854 ~~facility, biomedical waste incinerator, or mobile soil thermal~~
 1855 ~~treatment unit or facility~~ operator training course, ~~as~~
 1856 ~~appropriate,~~ or ~~has~~ qualified as an interim operator in
 1857 compliance with requirements established by the department by
 1858 rule. The department may establish by rule operator training
 1859 requirements for other solid waste management facilities and
 1860 facility operators.

1861 Section 19. Section 403.717, Florida Statutes, is amended
 1862 to read:

1863 403.717 Waste tire and lead-acid battery requirements.--

1864 (1) For purposes of this section and ss. 403.718 and
 1865 403.7185:

1866 (a) "Department" means the Department of Environmental
 1867 Protection.

1868 (b) "Indoor" means within a structure that excludes rain
 1869 and public access and would control air flows in the event of a
 1870 fire.

1871 (c) "Lead-acid battery" means a lead-acid battery designed
 1872 for use in motor vehicles, vessels, and aircraft, and includes
 1873 such batteries when sold new as a component part of a motor
 1874 vehicle, vessel, or aircraft, but not when sold to recycle
 1875 components.

1876 (d) ~~(b)~~ "Motor vehicle" means an automobile, motorcycle,

1877 truck, trailer, semitrailer, truck tractor and semitrailer
 1878 combination, or any other vehicle operated in this state, used
 1879 to transport persons or property and propelled by power other
 1880 than muscular power, ~~but~~ The term does not include traction
 1881 engines, road rollers, ~~such~~ vehicles that ~~as~~ run only upon a
 1882 track, bicycles, mopeds, or farm tractors and trailers.

1883 (e) "Processed tire" means a tire that has been treated
 1884 mechanically, chemically, or thermally so that the resulting
 1885 material is a marketable product or is suitable for proper
 1886 disposal.

1887 (f) ~~(e)~~ "Tire" means a continuous solid or pneumatic rubber
 1888 covering encircling the wheel of a motor vehicle.

1889 (g) ~~(d)~~ "Waste tire" means a tire that has been removed
 1890 from a motor vehicle and has not been retreaded or regrooved.
 1891 The term "Waste tire" includes, but is not limited to, used
 1892 tires and processed tires. The term does not include solid
 1893 rubber tires and tires that are inseparable from the rim.

1894 (h) ~~(e)~~ "Waste tire collection center" means a site where
 1895 waste tires are collected from the public prior to being offered
 1896 for recycling and where fewer than 1,500 tires are kept on the
 1897 site on any given day.

1898 (i) ~~(f)~~ "Waste tire processing facility" means a site where
 1899 equipment is used to treat waste tires mechanically, chemically,
 1900 or thermally so that the resulting material is a marketable
 1901 product or is suitable for proper disposal ~~recapture reusable~~
 1902 ~~byproducts from waste tires or to cut, burn, or otherwise alter~~
 1903 ~~waste tires so that they are no longer whole.~~ The term includes
 1904 mobile waste tire processing equipment.

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1905 (j)~~(g)~~ "Waste tire site" means a site at which 1,500 or
 1906 more waste tires are accumulated.

1907 ~~(h) "Lead acid battery" means those lead acid batteries
 1908 designed for use in motor vehicles, vessels, and aircraft, and
 1909 includes such batteries when sold new as a component part of a
 1910 motor vehicle, vessel, or aircraft, but not when sold to recycle
 1911 components.~~

1912 ~~(i) "Indoor" means within a structure which excludes rain
 1913 and public access and would control air flows in the event of a
 1914 fire.~~

1915 ~~(j) "Processed tire" means a tire that has been treated
 1916 mechanically, chemically, or thermally so that the resulting
 1917 material is a marketable product or is suitable for proper
 1918 disposal.~~

1919 (k) "Used tire" means a waste tire which has a minimum
 1920 tread depth of 3/32 inch or greater and is suitable for use on a
 1921 motor vehicle.

1922 (2) The owner or operator of any waste tire site shall
 1923 provide the department with information concerning the site's
 1924 location, size, and the approximate number of waste tires that
 1925 are accumulated at the site and shall initiate steps to comply
 1926 with subsection (3).

1927 (3) (a) A person may not maintain a waste tire site unless
 1928 such site is:

1929 1. An integral part of the person's permitted waste tire
 1930 processing facility; or

1931 2. Used for the storage of waste tires prior to processing
 1932 and is located at a permitted solid waste management facility.

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1933 (b) It is unlawful for any person to dispose of waste
 1934 tires or processed tires in the state except at a permitted
 1935 solid waste management facility. Collection or storage of waste
 1936 tires at a permitted waste tire processing facility or waste
 1937 tire collection center prior to processing or use does not
 1938 constitute disposal, provided that the collection and storage
 1939 complies with rules established by the department.

1940 (c) Whole waste tires may not be deposited in a landfill
 1941 as a method of ultimate disposal.

1942 (d) A person may not contract with a waste tire collector
 1943 for the transportation, disposal, or processing of waste tires
 1944 unless the collector is registered with the department or exempt
 1945 from requirements provided under this section. Any person who
 1946 contracts with a waste tire collector for the transportation of
 1947 more than 25 waste tires per month from a single business
 1948 location must maintain records for that location and make them
 1949 available for review by the department or by law enforcement
 1950 officers, which records must contain the date when the tires
 1951 were transported, the quantity of tires, the registration number
 1952 of the collector, and the name of the driver.

1953 (4) The department shall adopt rules to administer ~~carry~~
 1954 ~~out the provisions of~~ this section and s. 403.718. Such rules
 1955 shall:

1956 (a) Must provide for the administration or revocation of
 1957 waste tire processing facility permits, including mobile
 1958 processor permits;

1959 (b) Must provide for the administration or revocation of
 1960 waste tire collector registrations, the fee ~~fees~~ for which may

1961 not exceed \$50 per vehicle registered annually;

1962 (c) Must provide for the administration or revocation of

1963 waste tire collection center permits, the fee for which may not

1964 exceed \$250 annually;

1965 (d) Must set standards, including financial assurance

1966 standards, for waste tire processing facilities and associated

1967 waste tire sites, waste tire collection centers, waste tire

1968 collectors, and for the storage of waste tires and processed

1969 tires, including storage indoors;

1970 (e) ~~The department~~ May ~~by rule~~ exempt not-for-hire waste

1971 tire collectors and processing facilities from financial

1972 assurance requirements;

1973 (f) Must authorize the final disposal of waste tires at a

1974 permitted solid waste disposal facility provided the tires have

1975 been cut into sufficiently small parts to assure their proper

1976 disposal; and

1977 (g) Must allow waste tire material that ~~which~~ has been cut

1978 into sufficiently small parts to be used as daily cover material

1979 for a landfill.

1980 ~~(5) A permit is not required for tire storage at:~~

1981 ~~(a) A tire retreading business where fewer than 1,500~~

1982 ~~waste tires are kept on the business premises;~~

1983 ~~(b) A business that, in the ordinary course of business,~~

1984 ~~removes tires from motor vehicles if fewer than 1,500 of these~~

1985 ~~tires are kept on the business premises; or~~

1986 ~~(c) A retail tire selling business which is serving as a~~

1987 ~~waste tire collection center if fewer than 1,500 waste tires are~~

1988 ~~kept on the business premises.~~

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1989 (5)~~(6)~~(a) The department shall encourage the voluntary
 1990 establishment of waste tire collection centers at retail tire-
 1991 selling businesses, waste tire processing facilities, and solid
 1992 waste disposal facilities, to be open to the public for the
 1993 deposit of waste tires.

1994 (b) The department may ~~is authorized to~~ establish an
 1995 incentives program ~~for individuals~~ to encourage individuals ~~them~~
 1996 to return their waste tires to a waste tire collection center.
 1997 The incentives ~~used by the department~~ may involve the use of
 1998 discount or prize coupons, prize drawings, promotional
 1999 giveaways, or other activities the department determines will
 2000 promote collection, reuse, volume reduction, and proper disposal
 2001 of waste tires.

2002 (c) The department may contract with a promotion company
 2003 to administer the incentives program.

2004 Section 20. Section 403.7221, Florida Statutes, is
 2005 transferred, renumbered as section 403.70715, Florida Statutes,
 2006 and amended to read:

2007 403.70715 ~~403.7221~~ Research, development, and
 2008 demonstration permits.--

2009 (1) The department may issue a research, development, and
 2010 demonstration permit to the owner or operator of any solid waste
 2011 management facility or hazardous waste management facility who
 2012 proposes to utilize an innovative and experimental solid waste
 2013 treatment technology or process for which permit standards have
 2014 not been promulgated. Permits shall:

2015 (a) Provide for construction and operation of the facility
 2016 for not longer than 3 years ~~1 year~~, renewable no more than 3

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2017 times.

2018 (b) Provide for the receipt and treatment by the facility
 2019 of only those types and quantities of solid waste which the
 2020 department deems necessary for purposes of determining the
 2021 performance capabilities of the technology or process and the
 2022 effects of such technology or process on human health and the
 2023 environment.

2024 (c) Include requirements the department deems necessary
 2025 which may include monitoring, operation, testing, financial
 2026 responsibility, closure, and remedial action.

2027 (2) The department may apply the criteria set forth in
 2028 this section in establishing the conditions of each permit
 2029 without separate establishment of rules implementing such
 2030 criteria.

2031 (3) For the purpose of expediting review and issuance of
 2032 permits under this section, the department may, consistent with
 2033 the protection of human health and the environment, modify or
 2034 waive permit application and permit issuance requirements,
 2035 except that there shall be no modification or waiver of
 2036 regulations regarding financial responsibility or of procedures
 2037 established regarding public participation.

2038 (4) The department may order an immediate termination of
 2039 all operations at the facility at any time upon a determination
 2040 that termination is necessary to protect human health and the
 2041 environment.

2042 Section 21. Subsections (1) through (9) of section
 2043 403.722, Florida Statutes, are amended to read:

2044 403.722 Permits; hazardous waste disposal, storage, and

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2045 treatment facilities.--

2046 (1) Each person who intends to or is required to
 2047 construct, modify, operate, or close a hazardous waste disposal,
 2048 storage, or treatment facility shall obtain a construction
 2049 permit, operation permit, postclosure permit, clean closure plan
 2050 approval, or corrective action permit from the department prior
 2051 to constructing, modifying, operating, or closing the facility.
 2052 By rule, the department may provide for the issuance of a single
 2053 permit instead of any two or more hazardous waste facility
 2054 permits.

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

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2073 the applicant has corrected all of the deficiencies identified
 2074 in the temporary operation permit and is in compliance with all
 2075 other rules adopted pursuant to this act.

2076 (3) ~~Permit~~ Applicants shall provide any information that
 2077 ~~which~~ will enable the department to determine that the proposed
 2078 construction, modification, operation, ~~or~~ closure, or corrective
 2079 action will comply with this act and any applicable rules. In no
 2080 instance shall any person construct, modify, operate, or close a
 2081 facility or perform corrective actions at a facility in
 2082 contravention of the standards, requirements, or criteria for a
 2083 hazardous waste facility. Authorizations ~~Permits~~ issued under
 2084 this section may include any permit conditions necessary to
 2085 achieve compliance with applicable hazardous waste rules and
 2086 necessary to protect human health and the environment.

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

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

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

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

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2101 modify any such authorization permit.

2102 (a) Authorizations Permits may be revoked for failure of
 2103 the holder to comply with ~~the provisions of~~ this act, the terms
 2104 of the authorization permit, the standards, requirements, or
 2105 criteria adopted pursuant to this act, or an order of the
 2106 department; for refusal by the holder to allow lawful
 2107 inspection; for submission by the holder of false or inaccurate
 2108 information in the permit application; or if necessary to
 2109 protect the public health or the environment.

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

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

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

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2129 (7) The department may establish ~~permit~~ application
 2130 procedures for hazardous waste facilities, which procedures may
 2131 vary based on differences in amounts, types, and concentrations
 2132 of hazardous waste and on differences in the size and location
 2133 of facilities and which procedures may take into account
 2134 permitting procedures of other laws not in conflict with this
 2135 act.

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

2141 (9) It shall not be a requirement for the issuance of ~~such~~
 2142 a hazardous waste authorization ~~permit~~ that the facility
 2143 complies with an adopted local government comprehensive plan,
 2144 local land use ordinances, zoning ordinances or regulations, or
 2145 other local ordinances. However, the issuance of such an
 2146 authorization ~~a permit issued~~ by the department does ~~shall~~ not
 2147 override any adopted local plan, ordinance, or regulation
 2148 ~~government comprehensive plans, local land use ordinances,~~
 2149 ~~zoning ordinances or regulations, or other local ordinances.~~

2150 Section 22. Subsection (2) of section 403.7226, Florida
 2151 Statutes, is amended to read:

2152 403.7226 Technical assistance by the department.--The
 2153 department shall:

2154 (2) Identify short-term needs and long-term needs for
 2155 hazardous waste management for the state on the basis of the
 2156 information gathered through the local hazardous waste

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2157 management assessments and other information from state and
 2158 federal regulatory agencies and sources. The state needs
 2159 assessment must be ongoing and must be updated when new data
 2160 concerning waste generation and waste management technologies
 2161 become available. ~~The department shall annually send a copy of~~
 2162 ~~this assessment to the Governor and to the Legislature.~~

2163 Section 23. Subsection (3) of section 403.724, Florida
 2164 Statutes, is amended to read:

2165 403.724 Financial responsibility.--

2166 (3) The amount of financial responsibility required shall
 2167 be approved by the department upon each issuance, renewal, or
 2168 modification of a hazardous waste facility authorization permit.
 2169 Such factors as inflation rates and changes in operation may be
 2170 considered when approving financial responsibility for the
 2171 duration of the authorization permit. The Office of Insurance
 2172 Regulation of the Department of Financial Services Commission
 2173 shall be available to assist the department in making this
 2174 determination. In approving or modifying the amount of financial
 2175 responsibility, the department shall consider:

2176 (a) The amount and type of hazardous waste involved;

2177 (b) The probable damage to human health and the
 2178 environment;

2179 (c) The danger and probable damage to private and public
 2180 property near the facility;

2181 (d) The probable time that the hazardous waste and
 2182 facility involved will endanger the public health, safety, and
 2183 welfare or the environment; and

2184 (e) The probable costs of properly closing the facility

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2185 and performing corrective action.

2186 Section 24. Section 403.7255, Florida Statutes, is amended
2187 to read:

2188 403.7255 Placement of signs ~~Department to adopt rules.--~~

2189 (1) ~~The department shall adopt rules which establish~~
2190 ~~requirements and procedures for the placement of Signs must be~~
2191 ~~placed by the owner or operator at sites which may have been~~
2192 ~~contaminated by hazardous wastes. Sites shall include any site~~
2193 ~~in the state which that is listed or proposed for listing on the~~
2194 ~~Superfund Site List of the United States Environmental~~
2195 ~~Protection Agency or any site identified by the department as a~~
2196 ~~suspected or confirmed contaminated site~~ contaminated by
2197 hazardous waste where there ~~is~~ may be a risk of exposure to the
2198 public. ~~The requirements of This section does shall~~ not apply to
2199 sites reported under ss. 376.3071 and 376.3072. The department
2200 shall establish requirements and procedures for the placement of
2201 signs, and may do so in rules, permits, orders, or other
2202 authorizations. ~~The authorization rules~~ shall establish the
2203 appropriate size for such signs, which size shall be no smaller
2204 than 2 feet by 2 feet, and shall provide in clearly legible
2205 print appropriate warning language for the waste or other
2206 materials at the site and a telephone number that ~~which~~ may be
2207 called for further information.

2208 (2) Violations of this act are punishable as provided in
2209 s. 403.161(4).

2210 (3) The provisions of this act are independent of and
2211 cumulative to any other requirements and remedies in this
2212 chapter or chapter 376, or any rules promulgated thereunder.

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2213 Section 25. Subsection (5) of section 403.726, Florida
 2214 Statutes, is amended to read:

2215 403.726 Abatement of imminent hazard caused by hazardous
 2216 substance.--

2217 (5) The department may issue a permit or order requiring
 2218 prompt abatement of an imminent hazard.

2219 Section 26. Section 403.7265, Florida Statutes, is amended
 2220 to read:

2221 403.7265 Local hazardous waste collection program.--

2222 (1) The Legislature recognizes the need for local
 2223 governments to establish local hazardous waste management
 2224 programs and local collection centers throughout the state.
 2225 Local hazardous waste management programs are to educate and
 2226 assist small businesses and households in properly managing the
 2227 hazardous waste they generate. Local collection centers are to
 2228 serve a purpose similar to the collection locations used in the
 2229 amnesty days program described in s. 403.7264. Such collection
 2230 centers are to be operated to provide a service to homeowners,
 2231 farmers, and conditionally exempt small quantity generators to
 2232 encourage proper hazardous waste management. Local collection
 2233 centers will allow local governments the opportunity to provide
 2234 a location for collection and temporary storage of small
 2235 quantities of hazardous waste. A private hazardous waste
 2236 management company should be responsible for collecting the
 2237 waste within 90 days for transfer to a permitted recycling,
 2238 disposal, or treatment facility. In time, local collection
 2239 centers are to become privately operated businesses in order to
 2240 reduce the burden of hazardous waste collection on local

2241 government.

2242 ~~(2) The department shall develop a statewide local~~
 2243 ~~hazardous waste management plan which will ensure comprehensive~~
 2244 ~~collection and proper management of hazardous waste from small~~
 2245 ~~quantity generators and household hazardous waste in Florida.~~
 2246 ~~The plan shall address, at a minimum, a network of local~~
 2247 ~~collection centers, transfer stations, and expanded hazardous~~
 2248 ~~waste collection route services. The plan shall assess the need~~
 2249 ~~for additional compliance verification inspections, enforcement,~~
 2250 ~~and penalties. The plan shall include a strategy, timetable, and~~
 2251 ~~budget for implementation.~~

2252 ~~(2)~~(3) For the purposes of this section, the phrase:

2253 (a) "Collection center" means a secured site approved by
 2254 the department to be used as a base for a hazardous waste
 2255 collection facility.

2256 (b) "Regional collection center" means a facility
 2257 permitted by the department for the storage of hazardous wastes.

2258 ~~(3)~~(4) The department shall establish a grant program for
 2259 local governments that ~~which~~ desire to provide a local or
 2260 regional hazardous waste collection center. Grants shall be
 2261 authorized to cover collection center costs associated with
 2262 capital outlay for preparing a facility or site to safely serve
 2263 as a collection center and to cover costs of administration,
 2264 public awareness, and local amnesty days programs. The total
 2265 cost for administration and public awareness may ~~shall~~ not
 2266 exceed 10 percent of the grant award. Grants shall be available
 2267 on a competitive basis to local governments which:

2268 (a) Comply with ~~the provisions of~~ ss. 403.7225 and

2269 403.7264;

2270 (b) Design a collection center which is approved by the
2271 department; and

2272 (c) Provide up to 33 percent of the capital outlay money
2273 needed for the facility as matching money.

2274 (4)~~(5)~~ The maximum amount of a grant for any local
2275 government participating in the development of a collection
2276 center is ~~shall be~~ \$100,000. If a regional collection facility
2277 is designed, each participating county is ~~shall be~~ eligible for
2278 up to \$100,000. The department may ~~is authorized to~~ use up to 1
2279 percent of the funds appropriated for the local hazardous waste
2280 collection center grant program for administrative costs and
2281 public education relating to proper hazardous waste management.

2282 (5)~~(6)~~ The department shall establish a cooperative
2283 collection center arrangement grant program enabling a local
2284 hazardous waste collection center grantee to receive a financial
2285 incentive for hosting an amnesty days program in a neighboring
2286 county that is currently unable to establish a permanent
2287 collection center, but desires a local hazardous waste
2288 collection. The grant may reimburse up to 75 percent of the
2289 neighboring county's amnesty days. Grants shall be available, on
2290 a competitive basis, to local governments that ~~which~~:

2291 (a) Have established operational hazardous waste
2292 collection centers and are willing to assume a host role,
2293 similar to that of the state in the amnesty days program
2294 described in s. 403.7264, in organizing a local hazardous waste
2295 collection in the neighboring county.

2296 (b) Enter into, and jointly submit, an interlocal

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2297 agreement outlining department-established duties for both the
 2298 host local government and neighboring county.

2299 ~~(6)-(7)~~ The maximum amount for the cooperative collection
 2300 center arrangement grant is \$35,000, with a maximum amnesty days
 2301 reimbursement of \$25,000, and a limit of \$10,000 for the host
 2302 local government. The host local government may receive up to
 2303 \$10,000 per cooperative collection center arrangement in
 2304 addition to its maximum local hazardous waste collection center
 2305 grant.

2306 ~~(7)-(8)~~ The department may ~~has the authority to~~ establish
 2307 an additional local project grant program enabling a local
 2308 hazardous waste collection center grantee to receive funding for
 2309 unique projects that improve the collection and lower the
 2310 incidence of improper management of conditionally exempt or
 2311 household hazardous waste. Eligible local governments may
 2312 receive up to \$50,000 in grant funds for these unique and
 2313 innovative projects, provided they match 25 percent of the grant
 2314 amount. If the department finds that the project has statewide
 2315 applicability and immediate benefits to other local hazardous
 2316 waste collection programs in the state, matching funds are not
 2317 required. This grant will not count toward the \$100,000 maximum
 2318 grant amount for development of a collection center.

2319 ~~(8)-(9)~~ The department may ~~has the authority to~~ use grant
 2320 funds authorized under this section to assist local governments
 2321 in carrying out the responsibilities and programs specified in
 2322 ss. 403.7225, 403.7226, 403.7234, 403.7236, and 403.7238.

2323 Section 27. Subsection (2) of section 171.205, Florida
 2324 Statutes, is amended to read:

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2325 171.205 Consent requirements for annexation of land under
 2326 this part.--Notwithstanding part I, an interlocal service
 2327 boundary agreement may provide a process for annexation
 2328 consistent with this section or with part I.

2329 (2) If the area to be annexed includes a privately owned
 2330 solid waste disposal facility as defined in s. 403.703 (32) ~~(11)~~
 2331 which receives municipal solid waste collected within the
 2332 jurisdiction of multiple local governments, the annexing
 2333 municipality must set forth in its plan the effects that the
 2334 annexation of the solid waste disposal facility will have on the
 2335 other local governments. The plan must also indicate that the
 2336 owner of the affected solid waste disposal facility has been
 2337 contacted in writing concerning the annexation, that an
 2338 agreement between the annexing municipality and the solid waste
 2339 disposal facility to govern the operations of the solid waste
 2340 disposal facility if the annexation occurs has been approved,
 2341 and that the owner of the solid waste disposal facility does not
 2342 object to the proposed annexation.

2343 Section 28. Subsection (69) of section 316.003, Florida
 2344 Statutes, is amended to read:

2345 316.003 Definitions.--The following words and phrases,
 2346 when used in this chapter, shall have the meanings respectively
 2347 ascribed to them in this section, except where the context
 2348 otherwise requires:

2349 (69) HAZARDOUS MATERIAL.--Any substance or material which
 2350 has been determined by the secretary of the United States
 2351 Department of Transportation to be capable of imposing an
 2352 unreasonable risk to health, safety, and property. This term

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2353 includes hazardous waste as defined in s. 403.703 (13) ~~(21)~~.

2354 Section 29. Paragraph (f) of subsection (2) of section

2355 377.709, Florida Statutes, is amended to read:

2356 377.709 Funding by electric utilities of local

2357 governmental solid waste facilities that generate electricity.--

2358 (2) DEFINITIONS.--As used in this section, the term:

2359 (f) "Solid waste facility" means a facility owned or

2360 operated by, or on behalf of, a local government for the purpose

2361 of disposing of solid waste, as that term is defined in s.

2362 403.703 (31) ~~(13)~~, by any process that produces heat and

2363 incorporates, as a part of the facility, the means of converting

2364 heat to electrical energy in amounts greater than actually

2365 required for the operation of the facility.

2366 Section 30. Subsection (1) of section 487.048, Florida

2367 Statutes, is amended to read:

2368 487.048 Dealer's license; records.--

2369 (1) Each person holding or offering for sale, selling, or

2370 distributing restricted-use pesticides shall obtain a dealer's

2371 license from the department. Application for the license shall

2372 be made on a form prescribed by the department. The license must

2373 be obtained before entering into business or transferring

2374 ownership of a business. The department may require examination

2375 or other proof of competency of individuals to whom licenses are

2376 issued or of individuals employed by persons to whom licenses

2377 are issued. Demonstration of continued competency may be

2378 required for license renewal, as set by rule. The license shall

2379 be renewed annually as provided by rule. An annual license fee

2380 not exceeding \$250 shall be established by rule. However, a user

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2381 of a restricted-use pesticide may distribute unopened containers
 2382 of a properly labeled pesticide to another user who is legally
 2383 entitled to use that restricted-use pesticide without obtaining
 2384 a pesticide dealer's license. The exclusive purpose of
 2385 distribution of the restricted-use pesticide is to keep it from
 2386 becoming a hazardous waste as defined in s. 403.703(13) ~~(21)~~.

2387 Section 31. Sections 403.7075, 403.756, 403.78, 403.781,
 2388 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,
 2389 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,
 2390 403.789, 403.7891, 403.7892, and 403.7893, and 403.7895, Florida
 2391 Statutes, are repealed.

2392 Section 32. This act shall take effect July 1, 2007.