

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Mayfield offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 12 and 13, insert:

5 Section 1. Section 403.7031, Florida Statutes, is amended
6 to read:

7 403.7031 Limitations on definitions adopted by local
8 ordinance.--A county or a municipality may ~~shall~~ not adopt by
9 ordinance or use in practice any definition that is inconsistent
10 with the definitions in s. 403.703.

11 Section 2. Section 403.7032, Florida Statutes, is created
12 to read

13 403.7032 Recycling.--

14 (1) The Legislature finds that the failure or inability to
15 economically recover material and energy resources from solid
16 waste results in the unnecessary waste and depletion of the

565305

4/24/2008 1:36 PM

Amendment No.

17 state's natural resources. As Florida continues to grow, so will
18 the potential amount of discarded material that must be treated
19 and disposed of, necessitating the improvement of solid waste
20 collection and disposal. Therefore, the maximum recycling and
21 reuse of such resources are considered high priority goals of
22 this state.

23 (2) By the year 2020, the long-term goal for the recycling
24 efforts of state and local governmental entities, private
25 companies and organizations, and the general public is to reduce
26 the amount of recyclable solid waste disposed of in waste
27 management facilities, landfills, or incineration facilities by
28 a statewide average of at least 75 percent.

29 (3) The Department of Environmental Preservation shall
30 develop a comprehensive recycling program that is designed to
31 achieve the percentage stated in subsection (2) and submit the
32 program to the President of the Senate and the Speaker of the
33 House of Representatives by January 1, 2010. The program may not
34 be implemented until approved by the Legislature. The program
35 must be developed in coordination with input from state and
36 local entities, private businesses, and the public. Under the
37 program, recyclable materials shall include, but are not limited
38 to, metals, paper, glass, plastic, textile, rubber materials,
39 and mulch. Components of the program shall include, but are not
40 limited to:

41 (a) Programs to identify environmentally preferable
42 purchasing practices to encourage the purchase of recycled,
43 durable, and less toxic goods.

565305

4/24/2008 1:36 PM

Amendment No.

44 (b) Programs to educate students in grades K-12 in the
45 benefits of, and proper techniques for, recycling.

46 (c) Programs for statewide recognition of successful
47 recycling efforts by schools, businesses, public groups, and
48 private citizens.

49 (d) Programs for municipalities and counties to develop
50 and implement efficient recycling efforts to return valuable
51 materials to productive use, conserve energy, and protect
52 natural resources.

53 (e) Programs through which the department can provide
54 technical assistance to municipalities and counties in support
55 of their recycling efforts.

56 (f) Programs to educate and train the public in proper
57 recycling efforts.

58 (g) Evaluation of how financial assistance can best be
59 provided to municipalities and counties in support of their
60 recycling efforts.

61 (h) Evaluation of why existing waste management and
62 recycling programs in the state have not been better used.

63 Section 3. Section 403.7033, Florida Statutes, is created
64 to read:

65 403.7033 Departmental analysis of particular recyclable
66 materials.--The Legislature finds that prudent regulation of
67 recyclable materials is crucial to the ongoing welfare of the
68 state's ecology and economy. As such, the department shall
69 undertake an analysis of the need for new or different
70 regulation of auxiliary containers, wrappings, or disposable
71 plastic bags used by consumers to carry products from retail

565305

4/24/2008 1:36 PM

Amendment No.

72 establishments. The analysis shall include input from state and
73 local government agencies, stakeholders, private businesses, and
74 citizens, and shall evaluate the efficacy and necessity of both
75 statewide and local regulation of these materials. To ensure
76 consistent and effective implementation, the department shall
77 submit a report with conclusions and recommendations to the
78 Legislature no later than February 1, 2010. Until such time that
79 the Legislature adopts the recommendations of the department, no
80 local government, local governmental agency, or state government
81 agency may enact any rule, regulation, or ordinance regarding
82 use, disposition, sale, prohibition, restriction, or tax of such
83 auxiliary containers, wrappings, or disposable plastic bags.

84 Section 4. Subsection (2) of section 403.706, Florida
85 Statutes, is amended to read:

86 403.706 Local government solid waste responsibilities.--

87 (2) (a) Each county shall implement a recyclable materials
88 recycling program. Counties and municipalities are encouraged to
89 form cooperative arrangements for implementing recycling
90 programs.

91 (b) Such programs shall be designed to recover a
92 significant portion of at least four of the following materials
93 from the solid waste stream prior to final disposal at a solid
94 waste disposal facility and to offer these materials for
95 recycling: newspaper, aluminum cans, steel cans, glass, plastic
96 bottles, cardboard, office paper, and yard trash. Local
97 governments which operate permitted waste-to-energy facilities
98 may retrieve ferrous and nonferrous metal as a byproduct of
99 combustion.

565305

4/24/2008 1:36 PM

Amendment No.

100 (c) Local governments are encouraged to separate all
101 plastics, metal, and all grades of paper for recycling prior to
102 final disposal and are further encouraged to recycle yard trash
103 and other mechanically treated solid waste into compost
104 available for agricultural and other acceptable uses.

105 (d) By July 1, 2010, each county shall develop and
106 implement a plan to achieve a goal to compost ~~is encouraged to~~
107 ~~consider plans for composting or mulching of~~ organic materials
108 that would otherwise be disposed of in a landfill. The goal
109 shall provide that up to 10 percent and no less than 5 percent
110 of organic material would be composted within the county and the
111 municipalities within its boundaries. The department may reduce
112 or modify the compost goal if the county demonstrates to the
113 department that achievement of the goal would be impractical
114 given the county's unique demographic, urban density, or
115 inability to separate normally compostable material from the
116 solid waste stream. The composting plan is ~~or mulching plans are~~
117 encouraged to address partnership with the private sector.

118 (e) Each county is encouraged to consider plans for
119 mulching organic materials that would otherwise be disposed of
120 in a landfill. The mulching plans are encouraged to address
121 partnership with the private sector.

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123 -----
124 **T I T L E A M E N D M E N T**

125 Remove line 2 and insert:

126 An act relating to recycling; amending s. 403.7031, F.S.;

127 prohibiting a county or municipality from using in practice any
565305

4/24/2008 1:36 PM

Amendment No.

128 definition inconsistent with a specified statute; creating s.
129 403.7032, F.S.; providing legislative findings; providing for a
130 long-term goal of reducing the amount of solid waste disposed of
131 in the state by a certain percentage; requiring the Department
132 of Environmental Protection to develop a comprehensive recycling
133 program and submit such program to the Legislature by a
134 specified date; requiring legislative approval before
135 implementing such program; requiring that such program be
136 developed in coordination with other state and local entities,
137 private businesses, and the public; requiring that the program
138 contain certain components; creating s. 403.7033, F.S.;
139 requiring a departmental analysis of particular recyclable
140 materials; requiring a report; amending s. 403.706, F.S.;
141 requiring each county to implement a composting plan to attain
142 certain goals by a date certain; providing for goal
143 modifications upon demonstrated need to the department; amending
144 s. 403.7145, F.S.;