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LEGISLATIVE ACTION

Senate

House

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Floor: WD/3R

04/29/2010 11:37 AM

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Senator Constantine moved the following:

**Senate Amendment (with title amendment)**

Between lines 547 and 548

insert:

Section 6. Section 403.44, Florida Statutes, is amended to read:

403.44 Florida Climate Protection Act.-

~~(3) A major emitter shall be required to use The Climate Registry for purposes of emission registration and reporting.~~

~~(4) The department shall establish the methodologies, reporting periods, and reporting systems that shall be used when major emitters report to The Climate Registry. The department may require the use of quality-assured data from continuous~~



462930

14 ~~emissions monitoring systems.~~

15       (3)~~(5)~~ The department may adopt rules for a cap-and-trade  
16 regulatory program to reduce greenhouse gas emissions from major  
17 emitters. When developing the rules, the department shall  
18 consult with the Florida Energy and Climate Commission and the  
19 Florida Public Service Commission and may consult with the  
20 Governor's Action Team for Energy and Climate Change. The  
21 department shall not adopt rules until after January 1, 2010.  
22 The rules shall not become effective until ratified by the  
23 Legislature.

24       (4)~~(6)~~ The rules of the cap-and-trade regulatory program  
25 shall include, but are not limited to:

26           (a) A statewide limit or cap on the amount of greenhouse  
27 gases emitted by major emitters.

28           (b) Methods, requirements, and conditions for allocating  
29 the cap among major emitters.

30           (c) Methods, requirements, and conditions for emissions  
31 allowances and the process for issuing emissions allowances.

32           (d) The relationship between allowances and the specific  
33 amounts of greenhouse gas emissions they represent.

34           (e) The length of allowance periods and the time over which  
35 entities must account for emissions and surrender allowances  
36 equal to emissions.

37           (f) The timeline of allowances from the initiation of the  
38 program through to 2050.

39           (g) A process for the trade of allowances between major  
40 emitters, including a registry, tracking, or accounting system  
41 for such trades.

42           (h) Cost containment mechanisms to reduce price and cost



462930

43 risks associated with the electric generation market in this  
44 state. Cost containment mechanisms to be considered for  
45 inclusion in the rules include, but are not limited to:

46 1. Allowing major emitters to borrow allowances from future  
47 time periods to meet their greenhouse gas emission limits.

48 2. Allowing major emitters to bank greenhouse gas emission  
49 reductions in the current year to be used to meet emission  
50 limits in future years.

51 3. Allowing major emitters to purchase emissions offsets  
52 from other entities that produce verifiable reductions in  
53 unregulated greenhouse gas emissions or that produce verifiable  
54 reductions in greenhouse gas emissions through voluntary  
55 practices that capture and store greenhouse gases that otherwise  
56 would be released into the atmosphere. In considering this cost  
57 containment mechanism, the department shall identify sectors and  
58 activities outside of the capped sectors, including other state,  
59 federal, or international activities, and the conditions under  
60 which reductions there can be credited against emissions of  
61 capped entities in place of allowances issued by the department.  
62 The department shall also consider potential methods and their  
63 effectiveness to avoid double-incentivizing such activities.

64 4. Providing a safety valve mechanism to ensure that the  
65 market prices for allowances or offsets do not surpass a  
66 predetermined level compatible with the affordability of  
67 electric utility rates and the well-being of the state's  
68 economy. In considering this cost containment mechanism, the  
69 department shall evaluate different price levels for the safety  
70 valve and methods to change the price level over time to reflect  
71 changing state, federal, and international markets, regulatory



462930

72 environments, and technological advancements.  
73

74 In considering cost containment mechanisms for inclusion in  
75 the rules, the department shall evaluate the anticipated overall  
76 effect of each mechanism on the abatement of greenhouse gas  
77 emissions and on electricity ratepayers and the benefits and  
78 costs of each to the state's economy, and shall also consider  
79 the interrelationships between the mechanisms under  
80 consideration.

81 (i) A process to allow the department to exercise its  
82 authority to discourage leakage of GHG emissions to neighboring  
83 states attributable to the implementation of this program.

84 (j) Provisions for a trial period on the trading of  
85 allowances before full implementation of a trading system.

86 ~~(5)-(7)~~ In recommending and evaluating proposed features of  
87 the cap-and-trade system, the following factors shall be  
88 considered:

89 (a) The overall cost-effectiveness of the cap-and-trade  
90 system in combination with other policies and measures in  
91 meeting statewide targets.

92 (b) Minimizing the administrative burden to the state of  
93 implementing, monitoring, and enforcing the program.

94 (c) Minimizing the administrative burden on entities  
95 covered under the cap.

96 (d) The impacts on electricity prices for consumers.

97 (e) The specific benefits to the state's economy for early  
98 adoption of a cap-and-trade system for greenhouse gases in the  
99 context of federal climate change legislation and the  
100 development of new international compacts.



462930

101 (f) The specific benefits to the state's economy associated  
102 with the creation and sale of emissions offsets from economic  
103 sectors outside of the emissions cap.

104 (g) The potential effects on leakage if economic activity  
105 relocates out of the state.

106 (h) The effectiveness of the combination of measures in  
107 meeting identified targets.

108 (i) The implications for near-term periods of long-term  
109 targets specified in the overall policy.

110 (j) The overall costs and benefits of a cap-and-trade  
111 system to the state economy.

112 (k) How to moderate impacts on low-income consumers that  
113 result from energy price increases.

114 (l) Consistency of the program with other state and  
115 possible federal efforts.

116 (m) The feasibility and cost-effectiveness of extending the  
117 program scope as broadly as possible among emitting activities  
118 and sinks in Florida.

119 (n) Evaluation of the conditions under which Florida should  
120 consider linking its trading system to the systems of other  
121 states or other countries and how that might be affected by the  
122 potential inclusion in the rule of a safety valve.

123 (6)~~(8)~~ Recognizing that the international, national, and  
124 neighboring state policies and the science of climate change  
125 will evolve, prior to submitting the proposed rules to the  
126 Legislature for consideration, the department shall submit the  
127 proposed rules to the Florida Energy and Climate Commission,  
128 which shall review the proposed rules and submit a report to the  
129 Governor, the President of the Senate, the Speaker of the House



462930

130 of Representatives, and the department. The report shall  
131 address:

132 (a) The overall cost-effectiveness of the proposed cap-and-  
133 trade system in combination with other policies and measures in  
134 meeting statewide targets.

135 (b) The administrative burden to the state of implementing,  
136 monitoring, and enforcing the program.

137 (c) The administrative burden on entities covered under the  
138 cap.

139 (d) The impacts on electricity prices for consumers.

140 (e) The specific benefits to the state's economy for early  
141 adoption of a cap-and-trade system for greenhouse gases in the  
142 context of federal climate change legislation and the  
143 development of new international compacts.

144 (f) The specific benefits to the state's economy associated  
145 with the creation and sale of emissions offsets from economic  
146 sectors outside of the emissions cap.

147 (g) The potential effects on leakage if economic activity  
148 relocates out of the state.

149 (h) The effectiveness of the combination of measures in  
150 meeting identified targets.

151 (i) The economic implications for near-term periods of  
152 short-term and long-term targets specified in the overall  
153 policy.

154 (j) The overall costs and benefits of a cap-and-trade  
155 system to the economy of the state.

156 (k) The impacts on low-income consumers that result from  
157 energy price increases.

158 (l) The consistency of the program with other state and



462930

159 possible federal efforts.

160 (m) The evaluation of the conditions under which the state  
161 should consider linking its trading system to the systems of  
162 other states or other countries and how that might be affected  
163 by the potential inclusion in the rule of a safety valve.

164 (n) The timing and changes in the external environment,  
165 such as proposals by other states or implementation of a federal  
166 program that would spur reevaluation of the Florida program.

167 (o) The conditions and options for eliminating the Florida  
168 program if a federal program were to supplant it.

169 (p) The need for a regular reevaluation of the progress of  
170 other emitting regions of the country and of the world, and  
171 whether other regions are abating emissions in a commensurate  
172 manner.

173 (q) The desirability of and possibilities of broadening the  
174 scope of the state's cap-and-trade system at a later date to  
175 include more emitting activities as well as sinks in Florida,  
176 the conditions that would need to be met to do so, and how the  
177 program would encourage these conditions to be met, including  
178 developing monitoring and measuring techniques for land use  
179 emissions and sinks, regulating sources upstream, and other  
180 considerations.

181 Section 7. 403.7032, Florida Statutes, is amended to read:  
182 403.7032 Recycling.—

183 (1) The Legislature finds that the failure or inability to  
184 economically recover material and energy resources from solid  
185 waste results in the unnecessary waste and depletion of our  
186 natural resources. As the state continues to grow, so will the  
187 potential amount of discarded material that must be treated and



462930

188 disposed of, necessitating the improvement of solid waste  
189 collection and disposal. Therefore, the maximum recycling and  
190 reuse of such resources are considered high-priority goals of  
191 the state.

192 (2) By the year 2020, the long-term goal for the recycling  
193 efforts of state and local governmental entities, private  
194 companies and organizations, and the general public is to  
195 recycle at least 75 percent of the municipal solid waste that  
196 would otherwise be ~~reduce the amount of recyclable solid waste~~  
197 disposed of in waste management facilities, landfills, or  
198 incineration facilities ~~by a statewide average of at least 75~~  
199 ~~percent~~. However, any solid waste used for the production of  
200 renewable energy shall count toward the long-term recycling goal  
201 as set forth in this part section.

202 (3) Each state agency, K-12 public school, public  
203 institution of higher learning, community college, and state  
204 university, including all buildings that are occupied by  
205 municipal, county, or state employees and entities occupying  
206 buildings managed by the Department of Management Services,  
207 must, at a minimum, annually report all recycled materials to  
208 the county using the department's designated reporting format.  
209 Private businesses, other than certified recovered materials  
210 dealers, that recycle paper, metals, glass, plastics, textiles,  
211 rubber materials, and mulch, are encouraged to report the amount  
212 of materials they recycle to the county annually beginning  
213 January 1, 2011, using the department's designated reporting  
214 format. Using the information provided, the department shall  
215 recognize those private businesses that demonstrate outstanding  
216 recycling efforts.





462930

217 Notwithstanding any other provision of state or county law,  
218 private businesses, other than certified recovered materials  
219 dealers, shall not be required to report recycling rates. Cities  
220 with less than a population of 2,500 and per capita taxable  
221 value less than \$4,800 and cities with a per capita taxable  
222 value less than \$30,000 are exempt from the reporting  
223 requirement specified in this paragraph.

224 (4)~~(3)~~ The Department of Environmental Protection shall  
225 develop a comprehensive recycling program that is designed to  
226 achieve the percentage under subsection (2) and submit the  
227 program to the President of the Senate and the Speaker of the  
228 House of Representatives by January 1, 2010. The program may not  
229 be implemented until approved by the Legislature. The program  
230 must be developed in coordination with input from state and  
231 local entities, private businesses, and the public. Under the  
232 program, recyclable materials shall include, but are not limited  
233 to, metals, paper, glass, plastic, textile, rubber materials,  
234 and mulch. Components of the program shall include, but are not  
235 limited to:

236 (a) Programs to identify environmentally preferable  
237 purchasing practices to encourage the purchase of recycled,  
238 durable, and less toxic goods. The Department of Management  
239 Services shall modify its procurement system to report on green  
240 and recycled products purchased through the system by September  
241 30, 2011.

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

244 (c) Programs for statewide recognition of successful  
245 recycling efforts by schools, businesses, public groups, and



462930

246 private citizens.

247 (d) Programs for municipalities and counties to develop and  
248 implement efficient recycling efforts to return valuable  
249 materials to productive use, conserve energy, and protect  
250 natural resources.

251 (e) Programs by which the department can provide technical  
252 assistance to municipalities and counties in support of their  
253 recycling efforts.

254 (f) Programs to educate and train the public in proper  
255 recycling efforts.

256 (g) Evaluation of how financial assistance can best be  
257 provided to municipalities and counties in support of their  
258 recycling efforts.

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

261 (5) The department shall create the Recycling Business  
262 Assistance Center by December 1, 2010. In carrying out its  
263 duties under this subsection, the department shall consult with  
264 state agency personnel appointed to serve as economic  
265 development liaisons under s. 288.021 and seek technical  
266 assistance from Enterprise Florida, Inc., to ensure the  
267 Recycling Business Assistance Center is positioned to succeed.  
268 The purpose of the center shall be to serve as the mechanism for  
269 coordination among state agencies and the private sector in  
270 order to coordinate policy and overall strategic planning for  
271 developing new markets and expanding and enhancing existing  
272 markets for recyclable materials in this state, other states,  
273 and foreign countries. The duties of the center shall include,  
274 at a minimum:



462930

275 (a) Identifying and developing new markets and expanding  
276 and enhancing existing markets for recyclable materials;

277 (b) Pursuing expanded end uses for recycled materials;

278 (c) Targeting materials for concentrated market-development  
279 efforts;

280 (d) Developing proposals for new incentives for market  
281 development, particularly focusing on targeted materials;

282 (e) Providing guidance on issues such as permitting,  
283 finance options for recycling market development, site location,  
284 research and development, grant program criteria for recycled  
285 materials markets, recycling markets education and information,  
286 and minimum content;

287 (f) Coordinating the efforts of various governmental  
288 entities having market-development responsibilities in order to  
289 optimize supply and demand for recyclable materials;

290 (g) Evaluating source-reduced products as they relate to  
291 state procurement policy. The evaluation shall include, but is  
292 not limited to, the environmental and economic impact of source-  
293 reduced product purchases to the state. For the purposes of this  
294 paragraph, the term "source-reduced" means any method, process,  
295 product, or technology that significantly or substantially  
296 reduces the volume or weight of a product while providing, at a  
297 minimum, equivalent or generally similar performance and service  
298 to and for the users of such materials;

299 (h) Providing evaluation of solid waste management grants,  
300 pursuant to s. 403.7095, to reduce the flow of solid waste to  
301 disposal facilities and encourage the sustainable recovery of  
302 materials from Florida's waste stream;

303 (i) Providing below-market financing for companies that



462930

304 manufacture products from recycled materials or convert  
305 recyclable materials into raw materials for use in  
306 manufacturing, pursuant to the Florida Recycling Loan Program as  
307 administered by the Florida First Capital Finance Corporation;

308 (j) Maintaining a continuously updated online directory,  
309 listing the public and private entities that collect, transport,  
310 broker, process, or remanufacture recyclable materials in the  
311 state;

312 (k) Providing information on the availability and benefits  
313 of using recycled materials to private entities and industries  
314 in the state;

315 (l) Distributing any materials prepared in implementing  
316 this subsection to the public, private entities, industries,  
317 governmental entities, or other organizations upon request; and

318 (m) Coordinating with the Agency for Workforce Innovation  
319 and its partners to provide job placement and job training  
320 services to job seekers through the state's workforce services  
321 programs.

322 Section 8. Subsection (9) is added to section 288.9015,  
323 Florida Statutes, to read:

324 288.9015 Enterprise Florida, Inc.; purpose; duties.—

325 (9) Enterprise Florida, Inc., shall provide technical  
326 assistance to the Department of Environmental Protection in the  
327 creation of the Recycling Business Assistance Center pursuant to  
328 s. 403.7032(5). As the state's primary organization devoted to  
329 statewide economic development, Enterprise Florida, Inc., is  
330 encouraged to cooperate with the Department of Environmental  
331 Protection to ensure that the Recycling Business Assistance  
332 Center is positioned to succeed in helping to enhance and expand



462930

333 existing markets for recyclable materials in Florida, other  
334 states, and foreign countries.

335 Section 9. Subsection (1) of section 403.7046, Florida  
336 Statutes, is amended to read:

337 403.7046 Regulation of recovered materials.—

338 (1) Any person who handles, purchases, receives, recovers,  
339 sells, or is an end user of recovered materials shall annually  
340 certify to the department on forms provided by the department.  
341 The department may by rule exempt from this requirement  
342 generators of recovered materials; persons who handle or sell  
343 recovered materials as an activity which is incidental to the  
344 normal primary business activities of that person; or persons  
345 who handle, purchase, receive, recover, sell, or are end users  
346 of recovered materials in small quantities as defined by the  
347 department. The department shall adopt rules for the  
348 certification of and reporting by such persons and shall  
349 establish criteria for revocation of such certification. ~~Prior~~  
350 ~~to the adoption of such rules, the department shall appoint a~~  
351 ~~technical advisory committee of no more than nine persons,~~  
352 ~~including, at a minimum, representatives of the Florida~~  
353 ~~Association of Counties, the Florida League of Cities, the~~  
354 ~~Florida Recyclers Association, and the Florida Chapter of the~~  
355 ~~National Solid Waste Management Association, to aid in the~~  
356 ~~development of such rules.~~ Such rules shall be designed to  
357 elicit, at a minimum, the amount and types of recovered  
358 materials handled by registrants, and the amount and disposal  
359 site, or name of person with whom such disposal was arranged, of  
360 any solid waste generated by such facility. By February 1 of  
361 each year, registrants shall report all required information to



462930

362 the department and to all counties from which it received  
363 materials. Such rules may provide for the department to conduct  
364 periodic inspections. The department may charge a fee of up to  
365 \$50 for each registration, which shall be deposited into the  
366 Solid Waste Management Trust Fund for implementation of the  
367 program.

368 Section 10. Paragraph (c) of subsection (2) and subsection  
369 (3) of section 403.705, Florida Statutes, are amended and a new  
370 subsection (4) is created to read:

371 403.705 State solid waste management program.—

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

374 (c) Planning guidelines and technical assistance to  
375 counties and municipalities to aid in meeting the municipal  
376 solid waste recycling ~~reduction~~ goals established in s.  
377 403.706(2) ~~s. 403.706(4)~~.

378 (3) The department shall ~~periodically seek information from~~  
379 ~~counties to~~ evaluate and report to the Legislature biennially on  
380 the state's success in meeting the solid waste recycling  
381 ~~reduction~~ goal as described in s. 403.706(2).

382 (4) The department shall adopt rules creating a voluntary  
383 certification program for materials recovery facilities. The  
384 certification criteria shall be based upon the amount and type  
385 of materials recycled and the compliance record of the facility,  
386 and may vary depending on the location in the state and the  
387 available markets for the materials that are processed. Any  
388 materials recovery facility seeking certification shall file an  
389 application to modify its permit, or shall include a  
390 certification application as part of its original permit



462930

391 application, which application shall not require an additional  
392 fee. The department shall adopt a form for certification  
393 applications, and shall require at least annual reports to  
394 verify the continued qualification for certification. In order  
395 to assist in the development of the certification program the  
396 department shall appoint a technical advisory committee.

397 Section 11. Subsections (2), (6), (4), (7), and (21) of  
398 section 403.706, Florida Statutes, are amended to read:

399 403.706 Local government solid waste responsibilities.—

400 (2) (a) Each county shall implement a recyclable materials  
401 recycling program that shall have a goal of recycling solid  
402 waste by 40 percent by December 31, 2012, 50 percent by December  
403 31, 2014, 60 percent by December 31, 2016, 70 percent by  
404 December 31, 2018, and 75 percent by December 31, 2020. Counties  
405 and municipalities are encouraged to form cooperative  
406 arrangements for implementing recycling programs.

407 (b) In order to assist in attaining the goals provided in  
408 this paragraph (a), the Legislature finds that the recycling of  
409 construction and demolition debris fulfills an important state  
410 interest. Therefore, each county must implement a program for  
411 recycling construction and demolition debris.

412 (c) In accordance with applicable local government  
413 ordinances, newly developed property receiving a certificate of  
414 occupancy, or its equivalent, on or after July 1, 2012, that is  
415 used for multifamily residential or commercial purposes, must  
416 provide adequate space and an adequate receptacle for recycling  
417 by tenants and owners of the property. This provision is limited  
418 to counties and cities that have an established commercial  
419 recycling program which provides recycling receptacles to



462930

420 multifamily residential properties and commercial properties and  
421 also provides regular pick-up service for those receptacles.

422 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,  
423 the county, as determined by the department in accordance with  
424 applicable rules, has not reached the recycling goals provided  
425 in paragraph (a), the department may direct the county to  
426 develop a plan to expand recycling programs to existing  
427 commercial and multifamily dwellings, including, but not limited  
428 to, apartment complexes.

429 (e) If the state's recycling rate for the 2013 calendar  
430 year is below 40 percent, or below 50 percent by January 1,  
431 2015, or below 60 percent by January 1, 2017, or below 70  
432 percent by January 1, 2019, or below 75 percent by January 1,  
433 2021, the department shall provide a report to the Legislature.  
434 The report shall identify those additional programs or statutory  
435 changes needed to achieve the goals provided in this subsection.  
436 The report shall be provided no later than 30 days prior to the  
437 Regular Session of the Legislature. If the state reaches its  
438 recycling goals as described in this paragraph, the department  
439 shall not provide a report to the Legislature.

440 (f) ~~(b)~~ Such programs shall be designed to recover a  
441 significant portion of at least four of the following materials  
442 from the solid waste stream prior to final disposal at a solid  
443 waste disposal facility and to offer these materials for  
444 recycling: newspaper, aluminum cans, steel cans, glass, plastic  
445 bottles, cardboard, office paper, and yard trash. Local  
446 governments which operate permitted waste-to-energy facilities  
447 may retrieve ferrous and nonferrous metal as a byproduct of  
448 combustion.





462930

449        (g)~~(e)~~ Local governments are encouraged to separate all  
450 plastics, metal, and all grades of paper for recycling prior to  
451 final disposal and are further encouraged to recycle yard trash  
452 and other mechanically treated solid waste into compost  
453 available for agricultural and other acceptable uses.

454        (h) The department shall adopt rules establishing the  
455 method and criteria to be used by a county in calculating the  
456 recycling rates pursuant to this subsection.

457        ~~(d) By July 1, 2010, each county shall develop and~~  
458 ~~implement a plan to achieve a goal to compost organic materials~~  
459 ~~that would otherwise be disposed of in a landfill. The goal~~  
460 ~~shall provide that up to 10 percent and no less than 5 percent~~  
461 ~~of organic material would be composted within the county and the~~  
462 ~~municipalities within its boundaries. The department may reduce~~  
463 ~~or modify the compost goal if the county demonstrates to the~~  
464 ~~department that achievement of the goal would be impractical~~  
465 ~~given the county's unique demographic, urban density, or~~  
466 ~~inability to separate normally compostable material from the~~  
467 ~~solid waste stream. The composting plan is encouraged to address~~  
468 ~~partnership with the private sector.~~

469        (i)~~(e)~~ Each county is encouraged to consider plans for  
470 composting or mulching organic materials that would otherwise be  
471 disposed of in a landfill. The composting or mulching plans are  
472 encouraged to address partnership with the private sector.

473        ~~(4) (a) A county's solid waste management and recycling~~  
474 ~~programs shall be designed to provide for sufficient reduction~~  
475 ~~of the amount of solid waste generated within the county and the~~  
476 ~~municipalities within its boundaries in order to meet goals for~~  
477 ~~the reduction of municipal solid waste prior to the final~~



462930

478 ~~disposal or the incineration of such waste at a solid waste~~  
479 ~~disposal facility. The goals shall provide, at a minimum, that~~  
480 ~~the amount of municipal solid waste that would be disposed of~~  
481 ~~within the county and the municipalities within its boundaries~~  
482 ~~is reduced by at least 30 percent.~~

483 (a) ~~(b)~~ A county may receive credit for one-half of the  
484 recycling goal in subsection (2) for waste reduction from the  
485 use of yard trash, or other clean wood waste or paper waste, in  
486 innovative programs including, but not limited to, programs that  
487 produce alternative clean-burning fuels such as ethanol or that  
488 provide for the conversion of yard trash or other clean wood  
489 waste or paper waste to clean-burning fuel for the production of  
490 energy for use at facilities other than a waste-to-energy  
491 facility as defined in s. 403.7061. The provisions of this  
492 paragraph apply only if a county can demonstrate that:

493 1. The county has implemented a yard trash mulching or  
494 composting program, and

495 2. As part of the program, compost and mulch made from yard  
496 trash is available to the general public and in use at county-  
497 owned or maintained and municipally owned or maintained  
498 facilities in the county and state agencies operating in the  
499 county as required by this section.

500 (b) ~~(c)~~ A county with a population of 100,000 or less may  
501 provide its residents with the opportunity to recycle in lieu of  
502 achieving the goal set forth in this section ~~paragraph (a)~~. For  
503 the purposes of this section subsection, the "opportunity to  
504 recycle" means that the county:

505 1.a. Provides a system for separating and collecting  
506 recyclable materials prior to disposal that is located at a



462930

507 solid waste management facility or solid waste disposal area; or

508 b. Provides a system of places within the county for  
509 collection of source-separated recyclable materials.

510 2. Provides a public education and promotion program that  
511 is conducted to inform its residents of the opportunity to  
512 recycle, encourages source separation of recyclable materials,  
513 and promotes the benefits of reducing, reusing, recycling, and  
514 composting materials.

515 (6) The department may reduce or modify the municipal solid  
516 waste recycling ~~reduction~~ goal that a county is required to  
517 achieve pursuant to subsection (2) ~~(4)~~ if the county  
518 demonstrates to the department that:

519 (a) The achievement of the goal set forth in subsection (2)  
520 ~~(4)~~ would have an adverse effect on the financial obligations of  
521 a county or a city that are directly related to a waste-to-  
522 energy facility owned or operated by or on behalf of the county  
523 or the city; and

524 (b) The county or the city cannot remove normally  
525 combustible materials from solid waste that is to be processed  
526 at a waste-to-energy facility because of the need to maintain a  
527 sufficient amount of solid waste to ensure the financial  
528 viability of the facility.

529  
530 The goal shall not be waived entirely and may only be  
531 reduced or modified to the extent necessary to alleviate the  
532 adverse effects of achieving the goal on the financial viability  
533 of a county's waste-to-energy facility. Nothing in this  
534 subsection shall exempt a county from developing and  
535 implementing a recycling program pursuant to this act.



462930

536 (7) In order to assess the progress in meeting the goal  
537 established in subsection (2) ~~(4)~~, each county shall, by April 1  
538 ~~November~~ each year, provide information to the department  
539 regarding its annual solid waste management program and  
540 recycling activities. The information by the county must, at a  
541 minimum, include:

542 (a) The amount of municipal solid waste disposed of at  
543 solid waste disposal facilities, by type of waste such as yard  
544 trash, white goods, clean debris, tires, and unseparated solid  
545 waste;

546 (b) The amount and type of materials from the municipal  
547 solid waste stream that were recycled; and

548 (c) The percentage of the population participating in  
549 various types of recycling activities instituted.

550 (d) Beginning with the data for the 2012 calendar year, the  
551 department shall annually, by July 1, post on its website the  
552 recycling rates of each county for the prior calendar year.

553 (21) Local governments are authorized to enact ordinances  
554 that require and direct all residential properties, multifamily  
555 dwelling, and apartment complexes and industrial, commercial,  
556 and institutional establishments as defined by the local  
557 government to establish programs for the separation of  
558 recyclable materials designated by the local government, which  
559 recyclable materials are specifically intended for purposes of  
560 recycling and for which a market exists, and to provide for  
561 their collection. Such ordinances may include, but are not  
562 limited to, provisions that prohibit any person from knowingly  
563 disposing of recyclable materials designated by the local  
564 government and that ensure the collection of recovered materials



462930

565 as necessary to protect public health and safety.

566 Section 12. Paragraph (c) of subsection (3) of section  
567 403.7061, Florida Statutes, is amended to read:

568 403.7061 Requirements for review of new waste-to-energy  
569 facility capacity by the Department of Environmental  
570 Protection.—

571 (3) An applicant must provide reasonable assurance that the  
572 construction of a new waste-to-energy facility or the expansion  
573 of an existing waste-to-energy facility will comply with the  
574 following criteria:

575 (c) The county in which the facility is located has  
576 implemented and maintains a solid waste management and recycling  
577 program that is designed to achieve a the waste recycling  
578 ~~reduction~~ goal of 30 percent set forth in s. 403.706(4). For the  
579 purposes of this section, the provisions of s. 403.706(4)(c) for  
580 counties having populations of 100,000 or fewer ~~do not apply~~.

581 Section 13. Subsection (9) of section 403.707, Florida  
582 Statutes, is amended to read:

583 403.707 Permits.—

584 (9) The department shall establish a separate category for  
585 solid waste management facilities that accept only construction  
586 and demolition debris for disposal or recycling. The department  
587 shall establish a reasonable schedule for existing facilities to  
588 comply with this section to avoid undue hardship to such  
589 facilities. However, a permitted solid waste disposal unit that  
590 receives a significant amount of waste prior to the compliance  
591 deadline established in this schedule shall not be required to  
592 be retrofitted with liners or leachate control systems.

593 (a) The department shall establish reasonable construction,



462930

594 operation, monitoring, recordkeeping, financial assurance, and  
595 closure requirements for such facilities. The department shall  
596 take into account the nature of the waste accepted at various  
597 facilities when establishing these requirements, and may impose  
598 less stringent requirements, including a system of general  
599 permits or registration requirements, for facilities that accept  
600 only a segregated waste stream which is expected to pose a  
601 minimal risk to the environment and public health, such as clean  
602 debris. The Legislature recognizes that incidental amounts of  
603 other types of solid waste are commonly generated at  
604 construction or demolition projects. In any enforcement action  
605 taken pursuant to this section, the department shall consider  
606 the difficulty of removing these incidental amounts from the  
607 waste stream.

608 (b) The department shall ~~not~~ require liners and leachate  
609 collection systems at individual disposal units and lateral  
610 expansions of existing disposal units that have not received a  
611 department permit authorizing construction or operation prior to  
612 July 1, 2010, facilities unless the owner or operator ~~it~~  
613 demonstrates, based upon the types of waste received, the  
614 methods for controlling types of waste disposed of, the  
615 proximity of groundwater and surface water, and the results of  
616 the hydrogeological and geotechnical investigations, that the  
617 facility is not ~~reasonably~~ expected to result in violations of  
618 groundwater standards and criteria if built without a liner  
619 ~~otherwise~~.

620 (c) The owner or operator shall provide financial assurance  
621 for closing of the facility in accordance with the requirements  
622 of s. 403.7125. The financial assurance shall cover the cost of



462930

623 closing the facility and 5 years of long-term care after  
624 closing, unless the department determines, based upon  
625 hydrogeologic conditions, the types of wastes received, or the  
626 groundwater monitoring results, that a different long-term care  
627 period is appropriate. However, unless the owner or operator of  
628 the facility is a local government, the escrow account described  
629 in s. 403.7125(2) may not be used as a financial assurance  
630 mechanism.

631 (d) The department shall establish training requirements  
632 for operators of facilities, and shall work with the State  
633 University System or other providers to assure that adequate  
634 training courses are available. The department shall also assist  
635 the Florida Home Builders Association in establishing a  
636 component of its continuing education program to address proper  
637 handling of construction and demolition debris, including best  
638 management practices for reducing contamination of the  
639 construction and demolition debris waste stream.

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

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

647 (g) By January 1, 2012, the amount of construction and  
648 demolition debris processed and recycled prior to disposal at a  
649 permitted materials recovery facility or at any other permitted  
650 disposal facility shall be reported by the county of origin to  
651 the department and to the county on an annual basis in



462930

652 accordance with rules adopted by the department. The rules shall  
653 establish criteria to ensure accurate and consistent reporting  
654 for purposes of determining the recycling rate in s. 403.706 and  
655 shall also require that, to the extent economically feasible,  
656 all construction and demolition debris must be processed prior  
657 to disposal, either at a permitted materials recovery facility  
658 or at a permitted disposal facility. This paragraph does not  
659 apply to recovered materials, any materials that have been  
660 source separated and offered for recycling, or materials that  
661 have been previously processed. It is the policy of the  
662 ~~Legislature to encourage facilities to recycle. The department~~  
663 ~~shall establish criteria and guidelines that encourage recycling~~  
664 ~~where practical and provide for the use of recycled materials in~~  
665 ~~a manner that protects the public health and the environment.~~  
666 ~~Facilities are authorized to recycle, provided such activities~~  
667 ~~do not conflict with such criteria and guidelines.~~

668 (h) The department shall ensure that the requirements of  
669 this section are applied and interpreted consistently throughout  
670 the state. In accordance with s. 20.255, the Division of Waste  
671 Management shall direct the district offices and bureaus on  
672 matters relating to the interpretation and applicability of this  
673 section.

674 (i) The department shall provide notice of receipt of a  
675 permit application for the initial construction of a  
676 construction and demolition debris disposal facility to the  
677 local governments having jurisdiction where the facility is to  
678 be located.

679 (j) The Legislature recognizes that recycling, waste  
680 reduction, and resource recovery are important aspects of an





462930

681 integrated solid waste management program and as such are  
682 necessary to protect the public health and the environment. If  
683 necessary to promote such an integrated program, the county may  
684 determine, after providing notice and an opportunity for a  
685 hearing prior to April 30, 2008, that some or all of the  
686 material described in s. 403.703(6)(b) shall be excluded from  
687 the definition of "construction and demolition debris" in s.  
688 403.703(6) within the jurisdiction of such county. The county  
689 may make such a determination only if it finds that, prior to  
690 June 1, 2007, the county has established an adequate method for  
691 the use or recycling of such wood material at an existing or  
692 proposed solid waste management facility that is permitted or  
693 authorized by the department on June 1, 2007. The county is not  
694 required to hold a hearing if the county represents that it  
695 previously has held a hearing for such purpose, or if the county  
696 represents that it previously has held a public meeting or  
697 hearing that authorized such method for the use or recycling of  
698 trash or other nonputrescible waste materials and that such  
699 materials include those materials described in s. 403.703(6)(b).  
700 The county shall provide written notice of its determination to  
701 the department by no later than April 30, 2008; thereafter, the  
702 materials described in s. 403.703(6) shall be excluded from the  
703 definition of "construction and demolition debris" in s.  
704 403.703(6) within the jurisdiction of such county. The county  
705 may withdraw or revoke its determination at any time by  
706 providing written notice to the department.

707 (k) Brazilian pepper and other invasive exotic plant  
708 species as designated by the department resulting from  
709 eradication projects may be processed at permitted construction



462930

710 and demolition debris recycling facilities or disposed of at  
711 permitted construction and demolition debris disposal facilities  
712 or Class III facilities. The department may adopt rules to  
713 implement this paragraph.

714 Section 14. Section 403.7095, Florida Statutes, is amended  
715 to read:

716 403.7095 Solid waste management grant program.-

717 ~~(1) The department shall develop a competitive and~~  
718 ~~innovative grant program for counties, municipalities, special~~  
719 ~~districts, and nonprofit organizations that have legal~~  
720 ~~responsibility for the provision of solid waste management~~  
721 ~~services. For purposes of this program, "innovative" means that~~  
722 ~~the process, technology, or activity for which funding is sought~~  
723 ~~has not previously been implemented within the jurisdiction of~~  
724 ~~the applicant. The applicant must:~~

725 ~~(a) Demonstrate technologies or processes that represent a~~  
726 ~~novel application of an existing technology or process to~~  
727 ~~recycle or reduce waste, or that overcome obstacles to recycling~~  
728 ~~or waste reduction in new or innovative ways;~~

729 ~~(b) Demonstrate innovative processes to collect and recycle~~  
730 ~~or reduce materials targeted by the department and the recycling~~  
731 ~~industry; or~~

732 ~~(c) Demonstrate effective solutions to solving solid waste~~  
733 ~~problems resulting from waste tires, particularly in the areas~~  
734 ~~of enforcement and abatement of illegal tire dumping and~~  
735 ~~activities to promote market development of waste tire products.~~

736  
737 ~~Because the Legislature recognizes that input from the~~  
738 ~~recycling industry is essential to the success of this grant~~



462930

739 ~~program, the department shall cooperate with private sector~~  
740 ~~entities to develop a process and define specific criteria for~~  
741 ~~allowing their participation with grant recipients.~~

742 ~~(2) The department shall evaluate and prioritize the annual~~  
743 ~~grant proposals and present the annual prioritized list of~~  
744 ~~projects to be funded to the Governor and the Legislature as~~  
745 ~~part of its annual budget request submitted pursuant to chapter~~  
746 ~~216. Potential grant recipients are encouraged to demonstrate~~  
747 ~~local support for grant proposals by the commitment of cash or~~  
748 ~~in-kind matching funds.~~

749 ~~(1)~~(3) The department shall develop a consolidated grant  
750 program for small counties having populations fewer than  
751 100,000, with grants to be distributed equally among eligible  
752 counties. Programs to be supported with the small-county  
753 consolidated grants include general solid waste management,  
754 litter prevention and control, and recycling and education  
755 programs.

756 ~~(2)~~(4) The department shall develop a waste tire grant  
757 program making grants available to all counties. The department  
758 shall ensure that at least 25 percent of the funding available  
759 for waste tire grants is distributed equally to each county  
760 having a population fewer than 100,000. Of the remaining funds  
761 distributed to counties having a population of 100,000 or  
762 greater, the department shall distribute those funds on the  
763 basis of population.

764 ~~(3)~~(5) From the funds made available pursuant to s.  
765 403.709(1)(e) for the grant program created by this section, the  
766 following distributions shall be made:

767 ~~(a) Up to 15 percent for the program described in~~



462930

768 ~~subsection (1);~~  
769       ~~(a)(b)~~ Up to ~~50~~ <sup>35</sup> percent for the program described in  
770 subsection ~~(1)(3)~~; and  
771       ~~(b)(e)~~ Up to 50 percent for the program described in  
772 subsection ~~(2)(4)~~.  
773       ~~(4)(6)~~ The department may adopt rules necessary to  
774 administer this section, including, but not limited to, rules  
775 governing timeframes for submitting grant applications, criteria  
776 for prioritizing, matching criteria, maximum grant amounts, and  
777 allocation of appropriated funds based upon project and  
778 applicant size.  
779       ~~(7)~~ ~~Notwithstanding any provision of this section to the~~  
780 ~~contrary, and for the 2009-2010 fiscal year only, the Department~~  
781 ~~of Environmental Protection shall award the sum of \$2,600,000 in~~  
782 ~~grants equally to counties having populations of fewer than~~  
783 ~~100,000 for waste tire and litter prevention, recycling~~  
784 ~~education, and general solid waste programs. This subsection~~  
785 ~~expires July 1, 2010.~~  
786       ~~(8)(a)~~ ~~Notwithstanding any provision of this section to the~~  
787 ~~contrary, and for the 2008-2009 fiscal year only, the Department~~  
788 ~~of Environmental Protection shall award:~~  
789           ~~1. The sum of \$9,428,773 in grants equally to counties~~  
790 ~~having populations of fewer than 100,000 for waste tire and~~  
791 ~~litter prevention, recycling education, and general solid waste~~  
792 ~~programs.~~  
793           ~~2. The sum of \$2,000,781 to be used for the Innovative~~  
794 ~~Grant Program.~~  
795       ~~(b)~~ ~~This subsection expires July 1, 2009.~~  
796       Section 15. Subsection (1) of section 403.7145, Florida



462930

797 Statutes, is amended, and subsection (3) is added to that  
798 section, to read:  
799 403.7145 Recycling.—  
800 (1) The Capitol and the House and Senate office buildings  
801 constitute the Capitol recycling area. The Florida House of  
802 Representatives, the Florida Senate, and the Office of the  
803 Governor, the Secretary of State, and each Cabinet officer who  
804 heads a department that occupies office space in the Capitol,  
805 shall institute a recycling program for their respective offices  
806 in the House and Senate office buildings and the Capitol.  
807 Provisions shall be made to collect and sell wastepaper and  
808 empty ~~aluminum~~ beverage containers ~~cars~~ generated by employee  
809 activities in these offices. The collection and sale of such  
810 materials shall be reported to Leon County using the  
811 department's designated reporting format and coordinated with  
812 Department of Management Services recycling activities to  
813 maximize the efficiency and economy of this program. The  
814 Governor, the Speaker of the House of Representatives, the  
815 President of the Senate, the Secretary of State, and the Cabinet  
816 officers may authorize the use of proceeds from recyclable  
817 material sales for employee benefits and other purposes, in  
818 order to provide incentives to their respective employees for  
819 participation in the recycling program. Such proceeds may also  
820 be used to offset any costs of the recycling program. As a  
821 demonstration of leading by example, the Capitol Building's  
822 recycling rates shall be posted on the website of the Department  
823 of Management Services and shall include the details of the  
824 recycling rates for each Department of Management Services pool  
825 facility. The Department of Environmental Protection shall post



462930

826 recycling rates of each state-owned facility reported to the  
827 Department of Management Services.

828 (3) The department shall develop and contract for an  
829 innovative recycling pilot project for the Capitol recycling  
830 area. The project shall be designed to collect recyclable  
831 materials and create a more sustainable recycling system.  
832 Components of the project shall be designed to increase  
833 convenience, incentivize and measure participation, reduce  
834 material volume, and assist in achieving the recycling goals  
835 enumerated in s. 403.706.

836 Section 16. Paragraph (m) is added to subsection (1) of  
837 section 553.77, Florida Statutes, to read:

838 553.77 Specific powers of the commission.—

839 (1) The commission shall:

840 (m) Develop recommendations that increase residential and  
841 commercial recycling and composting, and strongly encourages the  
842 use of recyclable materials and the recycling of construction  
843 and demolition debris.

844 Section 17. Subsection (5) of section 403.7049, Florida  
845 Statutes, is amended to read:

846 403.7049 Determination of full cost for solid waste  
847 management; local solid waste management fees.—

848 (5) In order to assist in achieving the municipal solid  
849 waste recycling ~~reduction~~ goal and the recycling provisions of  
850 s. 403.706(2) ~~s. 403.706(4)~~, a county or a municipality which  
851 owns or operates a solid waste management facility is hereby  
852 authorized to charge solid waste disposal fees which may vary  
853 based on a number of factors, including, but not limited to, the  
854 amount, characteristics, and form of recyclable materials



855 present in the solid waste that is brought to the county's or  
856 the municipality's facility for processing or disposal.

857 Section 18. Section 288.1185, Florida Statutes, is  
858 repealed.

859

860 ===== T I T L E A M E N D M E N T =====

861 And the title is amended as follows:

862 Delete line 47

863 and insert:

864 amending s. 403.44, F.S.; revising the greenhouse gas  
865 reporting requirement for major emitters; deleting a requirement  
866 for the Department of Environmental Protection to take certain  
867 actions related to the reporting requirement; amending s.  
868 403.7032, F.S.; requiring all public entities and those entities  
869 occupying buildings managed by the Department of Management  
870 Services to report recycling data to the county using the format  
871 designated by the Department of Environmental Protection;  
872 providing an exemption; encouraging certain private entities to  
873 report the disposal of recyclable materials; requiring the  
874 Department of Management Services to report on green and  
875 recycled products purchased through its procurement system;  
876 directing the Department of Environmental Protection to create  
877 the Recycling Business Assistance Center; providing requirements  
878 for the center; amending s. 288.9015, F.S.; requiring Enterprise  
879 Florida, Inc., to provide technical assistance to the Department  
880 of Environmental Protection in the creation of the Recycling  
881 Business Assistance Center; amending s. 403.7046, F.S.; deleting  
882 a requirement that the Department of Environmental Protection  
883 appoint a technical advisory committee; clarifying reporting



462930

884 requirements; amending s. 403.705, F.S.; conforming a cross-  
885 reference; requiring that the department report biennially to  
886 the Legislature on the state's success in meeting solid waste  
887 reduction goals; providing for the creation of a voluntary  
888 recyclers certification program; amending s. 403.706, F.S.;  
889 revising requirements for the implementation of recyclable  
890 materials recycling programs by counties; providing legislative  
891 intent; providing requirements for the provision of recycling  
892 services; providing authority for the Department of  
893 Environmental Protection to require a plan under certain  
894 conditions; requiring a report to the Legislature by the  
895 Department of Environmental Protection if recycling benchmarks  
896 are not met; requiring the department to adopt rules;  
897 eliminating a requirement that counties develop composting  
898 goals; encouraging counties to develop composting plans;  
899 providing for waivers; providing deadlines for the reporting of  
900 recycling data; revising requirements for the enactment of  
901 ordinances by local governments relating to programs for the  
902 separation of recyclable materials; amending s. 403.7061, F.S.;  
903 revising requirements for review of new waste-to-energy facility  
904 capacity by the Department of Environmental Protection;  
905 clarifying an exemption; amending s. 403.707, F.S.; requiring  
906 liners for new construction and demolition debris landfills  
907 under certain conditions; providing reporting requirements for  
908 certain construction and demolition debris; requiring the  
909 department to adopt rules; providing rule requirements;  
910 providing an exemption; amending s. 403.7095, F.S.; deleting  
911 application requirements for the solid waste management program;  
912 deleting a requirement for the Department of Environmental





462930

913 Protection to evaluate and prioritize proposals for inclusion in  
914 its annual budget request; amending s. 403.7145, F.S.; revising  
915 recycling requirements for state buildings; providing for a  
916 pilot project; requiring each public airport in the state to  
917 collect beverage containers and recyclable plastic and glass  
918 from the entities doing business at the airport and to offer  
919 such materials for recycling; amending s. 553.77, F.S.;  
920 authorizing the Florida Building Commission to develop  
921 recommendations for recycling and composting; amending s.  
922 403.7049, F.S.; conforming a cross-reference; repealing s.  
923 288.1185, F.S., relating to the Recycling Markets Advisory  
924 Committee; providing an effective date.  
925