



155960

LEGISLATIVE ACTION

Senate

House

.
. .
. .
. .
. .

Floor: WD/3R

04/29/2010 01:53 PM

Senator Constantine moved the following:

Senate Amendment (with title amendment)

Between lines 41 and 42

insert:

Section 2. 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~~



155960

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



155960

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



155960

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.



155960

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



155960

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



155960

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 3. 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



155960

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.



155960

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



155960

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:



155960

- 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



155960

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 4. 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



155960

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

335 Section 5. 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



155960

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 6. 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



155960

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 7. 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



155960

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.



155960

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~~



155960

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



155960

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.



155960

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



155960

565 as necessary to protect public health and safety.

566 Section 8. 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 9. 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,



155960

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



155960

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



155960

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



155960

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



155960

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 10. 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~~



155960

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~~



155960

768 ~~subsection (1);~~
769 ~~(a)(b)~~ Up to ~~50~~ ³⁵ 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 11. Subsection (1) of section 403.7145, Florida



155960

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



155960

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 12. 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 13. 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



155960

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 14. 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 7

863 and insert:

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



155960

884 Protection in the creation of the Recycling Business
885 Assistance Center; amending s. 403.7046, F.S.;

886 deleting a requirement that the Department of
887 Environmental Protection appoint a technical advisory
888 committee; clarifying reporting requirements; amending
889 s. 403.705, F.S.; conforming a cross-reference;

890 requiring that the department report biennially to the
891 Legislature on the state's success in meeting solid
892 waste reduction goals; providing for the creation of a
893 voluntary recyclers certification program; amending s.
894 403.706, F.S.; revising requirements for the
895 implementation of recyclable materials recycling
896 programs by counties; providing legislative intent;

897 providing requirements for the provision of recycling
898 services; providing authority for the Department of
899 Environmental Protection to require a plan under
900 certain conditions; requiring a report to the
901 Legislature by the Department of Environmental
902 Protection if recycling benchmarks are not met;

903 requiring the department to adopt rules; eliminating a
904 requirement that counties develop composting goals;

905 encouraging counties to develop composting plans;

906 providing for waivers; providing deadlines for the
907 reporting of recycling data; revising requirements for
908 the enactment of ordinances by local governments
909 relating to programs for the separation of recyclable
910 materials; amending s. 403.7061, F.S.; revising
911 requirements for review of new waste-to-energy
912 facility capacity by the Department of Environmental



155960

913 Protection; clarifying an exemption; amending s.
914 403.707, F.S.; requiring liners for new construction
915 and demolition debris landfills under certain
916 conditions; providing reporting requirements for
917 certain construction and demolition debris; requiring
918 the department to adopt rules; providing rule
919 requirements; providing an exemption; amending s.
920 403.7095, F.S.; deleting application requirements for
921 the solid waste management program; deleting a
922 requirement for the Department of Environmental
923 Protection to evaluate and prioritize proposals for
924 inclusion in its annual budget request; amending s.
925 403.7145, F.S.; revising recycling requirements for
926 state buildings; providing for a pilot project;
927 requiring each public airport in the state to collect
928 beverage containers and recyclable plastic and glass
929 from the entities doing business at the airport and to
930 offer such materials for recycling; amending s.
931 553.77, F.S.; authorizing the Florida Building
932 Commission to develop recommendations for recycling
933 and composting; amending s. 403.7049, F.S.; conforming
934 a cross-reference; repealing s. 288.1185, F.S.,
935 relating to the Recycling Markets Advisory Committee;
936 providing an effective date.