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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2010	.	
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The Committee on Community Affairs (Altman) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. 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~~



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13 ~~may require the use of quality assured data from continuous~~  
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.



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



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71 changing state, federal, and international markets, regulatory  
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



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100 development of new international compacts.

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



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129 Governor, the President of the Senate, the Speaker of the House  
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.



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158           (1) The consistency of the program with other state and  
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 2. 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



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187 potential amount of discarded material that must be treated and  
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





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216 recycling efforts. Private businesses that do not report  
217 recycling rates to the department shall be recorded as having a  
218 zero percent recycling rate. Notwithstanding any other provision  
219 of state or county law, private businesses, other than certified  
220 recovered materials dealers, shall not be required to report  
221 recycling rates.

222 (4)-(3) The Department of Environmental Protection shall  
223 develop a comprehensive recycling program that is designed to  
224 achieve the percentage under subsection (2) and submit the  
225 program to the President of the Senate and the Speaker of the  
226 House of Representatives by January 1, 2010. The program may not  
227 be implemented until approved by the Legislature. The program  
228 must be developed in coordination with input from state and  
229 local entities, private businesses, and the public. Under the  
230 program, recyclable materials shall include, but are not limited  
231 to, metals, paper, glass, plastic, textile, rubber materials,  
232 and mulch. Components of the program shall include, but are not  
233 limited to:

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

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

242 (c) Programs for statewide recognition of successful  
243 recycling efforts by schools, businesses, public groups, and  
244 private citizens.



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

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

252 (f) Programs to educate and train the public in proper  
253 recycling efforts.

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

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

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

273 (a) Identifying and developing new markets and expanding



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274 and enhancing existing markets for recyclable materials;  
275 (b) Pursuing expanded end uses for recycled materials;  
276 (c) Targeting materials for concentrated market-development  
277 efforts;  
278 (d) Developing proposals for new incentives for market  
279 development, particularly focusing on targeted materials;  
280 (e) Providing guidance on issues such as permitting,  
281 finance options for recycling market development, site location,  
282 research and development, grant program criteria for recycled  
283 materials markets, recycling markets education and information,  
284 and minimum content;  
285 (f) Coordinating the efforts of various governmental  
286 entities having market-development responsibilities in order to  
287 optimize supply and demand for recyclable materials;  
288 (g) Evaluating source-reduced products as they relate to  
289 state procurement policy. The evaluation shall include, but is  
290 not limited to, the environmental and economic impact of source-  
291 reduced product purchases to the state. For the purposes of this  
292 paragraph, the term "source-reduced" means any method, process,  
293 product, or technology that significantly or substantially  
294 reduces the volume or weight of a product while providing, at a  
295 minimum, equivalent or generally similar performance and service  
296 to and for the users of such materials;  
297 (h) Providing evaluation of solid waste management grants,  
298 pursuant to s. 403.7095, to reduce the flow of solid waste to  
299 disposal facilities and encourage the sustainable recovery of  
300 materials from Florida's waste stream;  
301 (i) Providing below-market financing for companies that  
302 manufacture products from recycled materials or convert



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303 recyclable materials into raw materials for use in  
304 manufacturing, pursuant to the Florida Recycling Loan Program as  
305 administered by the Florida First Capital Finance Corporation;

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

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

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

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

320 Section 3. Subsection (9) is added to section 288.9015,  
321 Florida Statutes, to read:

322 288.9015 Enterprise Florida, Inc.; purpose; duties.—

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



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332 states, and foreign countries.

333 Section 4. Subsection (1) of section 403.7046, Florida  
334 Statutes, is amended to read:

335 403.7046 Regulation of recovered materials.-

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



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

366 Section 5. Paragraph (c) of subsection (2) and subsection  
367 (3) of section 403.705, Florida Statutes, is amended to read:

368 403.705 State solid waste management program.—

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

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

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

379 Section 6. Subsections (2), (4), (7), and (21) of section  
380 403.706, Florida Statutes, are amended to read:

381 403.706 Local government solid waste responsibilities.—

382 (2)(a) Each county shall implement a recyclable materials  
383 recycling program that shall have a goal of recycling recyclable  
384 solid waste by 40 percent by December 31, 2012, 50 percent by  
385 December 31, 2014, 60 percent by December 31, 2016, 70 percent  
386 by December 31, 2018, and 75 percent by December 31, 2020.

387 Counties and municipalities are encouraged to form cooperative  
388 arrangements for implementing recycling programs.

389 (b) In order to assist in attaining the goals provided in



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390 this paragraph (a), the Legislature finds that the recycling of  
391 construction and demolition debris is in the state's interest.  
392 Each county shall implement a program that shall have a goal of  
393 reducing construction and demolition debris disposed of in  
394 landfills by 40 percent by December 31, 2012, 50 percent by  
395 December 31, 2014, 60 percent by December 31, 2016, 70 percent  
396 by December 31, 2018, and 75 percent by December 31, 2020.

397 (c) In a manner that is in accordance with the applicable  
398 local government ordinance, property receiving a certificate of  
399 occupancy or the equivalent on or after January 1, 2011 that is  
400 used for multi-family residential purposes or for commercial  
401 purposes must provide adequate space and an adequate receptacle  
402 for recycling by the tenant and owner of the property.

403 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,  
404 the county, as determined by the department in accordance with  
405 applicable rules, has not reached the recycling goals provided  
406 in paragraph (a), the department may direct the county to  
407 develop a plan to expand recycling programs to existing  
408 commercial and multifamily dwellings, including, but not limited  
409 to, apartment complexes.

410 (e) If the state's recycling rate for the 2013 calendar  
411 year is below 40 percent, or below 50 percent by January 1,  
412 2015, or below 60 by January 1, 2017, or below 70 percent by  
413 January 1, 2019, or below 75 percent by January 1, 2021, the  
414 department shall provide a report to the Legislature. The report  
415 shall identify those additional programs or statutory changes  
416 needed to achieve the goals provided in this subsection. The  
417 report shall be provided no later than 30 days prior to the  
418 Regular Session of the Legislature. If the state reaches its



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419 recycling goals as described in this paragraph then the  
420 department shall not provide a report to the Legislature.

421 (f)~~(b)~~ Such programs shall be designed to recover a  
422 significant portion of at least four of the following materials  
423 from the solid waste stream prior to final disposal at a solid  
424 waste disposal facility and to offer these materials for  
425 recycling: newspaper, aluminum cans, steel cans, glass, plastic  
426 bottles, cardboard, office paper, and yard trash. Local  
427 governments which operate permitted waste-to-energy facilities  
428 may retrieve ferrous and nonferrous metal as a byproduct of  
429 combustion.

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

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

438 ~~(d) By July 1, 2010, each county shall develop and~~  
439 ~~implement a plan to achieve a goal to compost organic materials~~  
440 ~~that would otherwise be disposed of in a landfill. The goal~~  
441 ~~shall provide that up to 10 percent and no less than 5 percent~~  
442 ~~of organic material would be composted within the county and the~~  
443 ~~municipalities within its boundaries. The department may reduce~~  
444 ~~or modify the compost goal if the county demonstrates to the~~  
445 ~~department that achievement of the goal would be impractical~~  
446 ~~given the county's unique demographic, urban density, or~~  
447 ~~inability to separate normally compostable material from the~~





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448 ~~solid waste stream. The composting plan is encouraged to address~~  
449 ~~partnership with the private sector.~~

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

454 ~~(4)(a)~~ A county's solid waste management and recycling  
455 ~~programs shall be designed to provide for sufficient reduction~~  
456 ~~of the amount of solid waste generated within the county and the~~  
457 ~~municipalities within its boundaries in order to meet goals for~~  
458 ~~the reduction of municipal solid waste prior to the final~~  
459 ~~disposal or the incineration of such waste at a solid waste~~  
460 ~~disposal facility. The goals shall provide, at a minimum, that~~  
461 ~~the amount of municipal solid waste that would be disposed of~~  
462 ~~within the county and the municipalities within its boundaries~~  
463 ~~is reduced by at least 30 percent.~~

464 ~~(a)(b)~~ A county may receive credit for one-half of the  
465 recycling goal in subsection (2) ~~for waste reduction~~ from the  
466 use of yard trash, or other clean wood waste or paper waste, in  
467 innovative programs including, but not limited to, programs that  
468 produce alternative clean-burning fuels such as ethanol or that  
469 provide for the conversion of yard trash or other clean wood  
470 waste or paper waste to clean-burning fuel for the production of  
471 energy for use at facilities other than a waste-to-energy  
472 facility as defined in s. 403.7061. The provisions of this  
473 paragraph apply only if a county can demonstrate that:

474 1. The county has implemented a yard trash mulching or  
475 composting program, and

476 2. As part of the program, compost and mulch made from yard



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477 trash is available to the general public and in use at county-  
478 owned or maintained and municipally owned or maintained  
479 facilities in the county and state agencies operating in the  
480 county as required by this section.

481 (b) Solid waste used for the production of renewable energy  
482 shall count toward the long-term recycling goal as set forth in  
483 subsection (2), provided the county in which a waste-to-energy  
484 facility is located has implemented and maintains a program that  
485 is designed to recycle at least 40 percent of municipal solid  
486 waste by means other than gasification or combustion.

487 (c) A county with a population of 100,000 or less may  
488 provide its residents with the opportunity to recycle in lieu of  
489 achieving the goal set forth in this section ~~paragraph (a)~~. For  
490 the purposes of this section subsection, the "opportunity to  
491 recycle" means that the county:

492 1.a. Provides a system for separating and collecting  
493 recyclable materials prior to disposal that is located at a  
494 solid waste management facility or solid waste disposal area; or

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

497 2. Provides a public education and promotion program that  
498 is conducted to inform its residents of the opportunity to  
499 recycle, encourages source separation of recyclable materials,  
500 and promotes the benefits of reducing, reusing, recycling, and  
501 composting materials.

502 (6) The department may reduce or modify the municipal solid  
503 waste recycling reduction goal that a county is required to  
504 achieve pursuant to subsection (2) ~~(4)~~ if the county demonstrates  
505 to the department that:



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

511 (b) The county or the city cannot remove normally  
512 combustible materials from solid waste that is to be processed  
513 at a waste-to-energy facility because of the need to maintain a  
514 sufficient amount of solid waste to ensure the financial  
515 viability of the facility.

516  
517 The goal shall not be waived entirely and may only be  
518 reduced or modified to the extent necessary to alleviate the  
519 adverse effects of achieving the goal on the financial viability  
520 of a county's waste-to-energy facility. Nothing in this  
521 subsection shall exempt a county from developing and  
522 implementing a recycling program pursuant to this act.

523 (7) In order to assess the progress in meeting the goal  
524 established in subsection (2) ~~(4)~~, each county shall, by April 1  
525 ~~November~~ each year, provide information to the department  
526 regarding its annual solid waste management program and  
527 recycling activities. The information by the county must, at a  
528 minimum, include:

529 (a) The amount of municipal solid waste disposed of at  
530 solid waste disposal facilities, by type of waste such as yard  
531 trash, white goods, clean debris, tires, and unseparated solid  
532 waste;

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



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

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

540 (21) Local governments are authorized to enact ordinances  
541 that require and direct all residential properties, multifamily  
542 dwelling, and apartment complexes and industrial, commercial,  
543 and institutional establishments as defined by the local  
544 government to establish programs for the separation of  
545 recyclable materials designated by the local government, which  
546 recyclable materials are specifically intended for purposes of  
547 recycling and for which a market exists, and to provide for  
548 their collection. Such ordinances may include, but are not  
549 limited to, provisions that prohibit any person from knowingly  
550 disposing of recyclable materials designated by the local  
551 government and that ensure the collection of recovered materials  
552 as necessary to protect public health and safety.

553 Section 7. Paragraph (c) of subsection (3) of section  
554 403.7061, Florida Statutes, is amended to read:

555 403.7061 Requirements for review of new waste-to-energy  
556 facility capacity by the Department of Environmental  
557 Protection.—

558 (3) An applicant must provide reasonable assurance that the  
559 construction of a new waste-to-energy facility or the expansion  
560 of an existing waste-to-energy facility will comply with the  
561 following criteria:

562 (c) The county in which the facility is located has  
563 implemented and maintains a solid waste management and recycling



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564 program that is designed to achieve a the waste reduction goal  
565 of recycling recyclable solid waste by at least 40 percent by  
566 January 1, 2013 set forth in s. 403.706(4). For the purposes of  
567 ~~this section, the provisions of s. 403.706(4) (c) for~~ The  
568 requirements of this paragraph do not apply to counties having  
569 populations of 100,000 or fewer ~~do not apply~~.

570 Section 8. Subsection (9) of section 403.707, Florida  
571 Statutes, is amended to read:

572 403.707 Permits.—

573 (9) The department shall establish a separate category for  
574 solid waste management facilities that accept only construction  
575 and demolition debris for disposal or recycling. The department  
576 shall establish a reasonable schedule for existing facilities to  
577 comply with this section to avoid undue hardship to such  
578 facilities. However, a permitted solid waste disposal unit that  
579 receives a significant amount of waste prior to the compliance  
580 deadline established in this schedule shall not be required to  
581 be retrofitted with liners or leachate control systems.

582 (a) The department shall establish reasonable construction,  
583 operation, monitoring, recordkeeping, financial assurance, and  
584 closure requirements for such facilities. The department shall  
585 take into account the nature of the waste accepted at various  
586 facilities when establishing these requirements, and may impose  
587 less stringent requirements, including a system of general  
588 permits or registration requirements, for facilities that accept  
589 only a segregated waste stream which is expected to pose a  
590 minimal risk to the environment and public health, such as clean  
591 debris. The Legislature recognizes that incidental amounts of  
592 other types of solid waste are commonly generated at



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593 construction or demolition projects. In any enforcement action  
594 taken pursuant to this section, the department shall consider  
595 the difficulty of removing these incidental amounts from the  
596 waste stream.

597 (b) The department shall ~~not~~ require liners and leachate  
598 collection systems at individual disposal units and lateral  
599 expansions of existing disposal units, that have not received a  
600 department permit authorizing construction or operation prior to  
601 July 1, 2010, facilities unless it demonstrates, based upon the  
602 types of waste received, the methods for controlling types of  
603 waste disposed of, the proximity of groundwater and surface  
604 water, and the results of the hydrogeological and geotechnical  
605 investigations, that the facility is reasonably expected to  
606 result in violations of groundwater standards and criteria  
607 otherwise.

608 (c) The owner or operator shall provide financial assurance  
609 for closing of the facility in accordance with the requirements  
610 of s. 403.7125. The financial assurance shall cover the cost of  
611 closing the facility and 5 years of long-term care after  
612 closing, unless the department determines, based upon  
613 hydrogeologic conditions, the types of wastes received, or the  
614 groundwater monitoring results, that a different long-term care  
615 period is appropriate. However, unless the owner or operator of  
616 the facility is a local government, the escrow account described  
617 in s. 403.7125(2) may not be used as a financial assurance  
618 mechanism.

619 (d) The department shall establish training requirements  
620 for operators of facilities, and shall work with the State  
621 University System or other providers to assure that adequate



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622 training courses are available. The department shall also assist  
623 the Florida Home Builders Association in establishing a  
624 component of its continuing education program to address proper  
625 handling of construction and demolition debris, including best  
626 management practices for reducing contamination of the  
627 construction and demolition debris waste stream.

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

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

635 (g) By January 1, 2012, the amount of construction and  
636 demolition debris processed and recycled prior to disposal at a  
637 permitted materials recovery facility or at any other permitted  
638 disposal facility shall be reported by the county of origin to  
639 the department and to the county on an annual basis in  
640 accordance with rules adopted by the department. The rules shall  
641 establish criteria to insure accurate and consistent reporting  
642 for purposes of determining the recycling rate in s. 403.706.  
643 The rules also shall provide that, to the extent economically  
644 feasible, all construction and demolition debris must be  
645 processed prior to disposal, either at a permitted waste  
646 processing facility or a permitted disposal facility. This  
647 requirement does not apply to any materials that have been  
648 source separated and offered for recycling or to materials that  
649 have been previously processed. It is the policy of the  
650 Legislature to encourage facilities to recycle. The department



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651 ~~shall establish criteria and guidelines that encourage recycling~~  
652 ~~where practical and provide for the use of recycled materials in~~  
653 ~~a manner that protects the public health and the environment.~~  
654 ~~Facilities are authorized to recycle, provided such activities~~  
655 ~~do not conflict with such criteria and guidelines.~~

656 (h) The department shall ensure that the requirements of  
657 this section are applied and interpreted consistently throughout  
658 the state. In accordance with s. 20.255, the Division of Waste  
659 Management shall direct the district offices and bureaus on  
660 matters relating to the interpretation and applicability of this  
661 section.

662 (i) The department shall provide notice of receipt of a  
663 permit application for the initial construction of a  
664 construction and demolition debris disposal facility to the  
665 local governments having jurisdiction where the facility is to  
666 be located.

667 (j) The Legislature recognizes that recycling, waste  
668 reduction, and resource recovery are important aspects of an  
669 integrated solid waste management program and as such are  
670 necessary to protect the public health and the environment. If  
671 necessary to promote such an integrated program, the county may  
672 determine, after providing notice and an opportunity for a  
673 hearing prior to April 30, 2008, that some or all of the  
674 material described in s. 403.703(6)(b) shall be excluded from  
675 the definition of "construction and demolition debris" in s.  
676 403.703(6) within the jurisdiction of such county. The county  
677 may make such a determination only if it finds that, prior to  
678 June 1, 2007, the county has established an adequate method for  
679 the use or recycling of such wood material at an existing or





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680 proposed solid waste management facility that is permitted or  
681 authorized by the department on June 1, 2007. The county is not  
682 required to hold a hearing if the county represents that it  
683 previously has held a hearing for such purpose, or if the county  
684 represents that it previously has held a public meeting or  
685 hearing that authorized such method for the use or recycling of  
686 trash or other nonputrescible waste materials and that such  
687 materials include those materials described in s. 403.703(6)(b).  
688 The county shall provide written notice of its determination to  
689 the department by no later than April 30, 2008; thereafter, the  
690 materials described in s. 403.703(6) shall be excluded from the  
691 definition of "construction and demolition debris" in s.  
692 403.703(6) within the jurisdiction of such county. The county  
693 may withdraw or revoke its determination at any time by  
694 providing written notice to the department.

695 (k) Brazilian pepper and other invasive exotic plant  
696 species as designated by the department resulting from  
697 eradication projects may be processed at permitted construction  
698 and demolition debris recycling facilities or disposed of at  
699 permitted construction and demolition debris disposal facilities  
700 or Class III facilities. The department may adopt rules to  
701 implement this paragraph.

702 Section 9. Paragraph (c) of subsection (12) of section  
703 403.708, Florida Statutes, is amended to read:

704 403.708 Prohibition; penalty.—

705 (12) A person who knows or should know of the nature of the  
706 following types of solid waste may not dispose of such solid  
707 waste in landfills:

708 (c) Yard trash in lined landfills classified by department



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709 rule as Class I landfills, unless the landfill uses an active  
710 gas-collection system to collect landfill gas generated at the  
711 disposal facility and provides or arranges for a beneficial use  
712 of the gas. A qualifying permitted Class I landfill must obtain  
713 a minor permit modification to its operating permit which  
714 describes the beneficial use being made of the landfill gas and  
715 modifies the facility's operation plan before receiving yard  
716 trash as authorized by this paragraph. The permittee must  
717 certify that gas collection and beneficial use will continue  
718 after closure of the disposal unit that is accepting yard trash.  
719 Yard trash that is source separated from solid waste may be  
720 accepted at a solid waste disposal area where separate yard  
721 trash composting facilities are provided and maintained. The  
722 department recognizes that incidental amounts of yard trash may  
723 be disposed of in Class I landfills. In any enforcement action  
724 taken pursuant to this paragraph, the department shall consider  
725 the difficulty of removing incidental amounts of yard trash from  
726 a mixed solid waste stream.

727 Section 10. Section 403.7095, Florida Statutes, is amended  
728 to read:

729 403.7095 Solid waste management grant program.—

730 ~~(1) The department shall develop a competitive and~~  
731 ~~innovative grant program for counties, municipalities, special~~  
732 ~~districts, and nonprofit organizations that have legal~~  
733 ~~responsibility for the provision of solid waste management~~  
734 ~~services. For purposes of this program, "innovative" means that~~  
735 ~~the process, technology, or activity for which funding is sought~~  
736 ~~has not previously been implemented within the jurisdiction of~~  
737 ~~the applicant. The applicant must:~~



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738           ~~(a) Demonstrate technologies or processes that represent a~~  
739 ~~novel application of an existing technology or process to~~  
740 ~~recycle or reduce waste, or that overcome obstacles to recycling~~  
741 ~~or waste reduction in new or innovative ways;~~

742           ~~(b) Demonstrate innovative processes to collect and recycle~~  
743 ~~or reduce materials targeted by the department and the recycling~~  
744 ~~industry; or~~

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

749  
750           ~~Because the Legislature recognizes that input from the~~  
751 ~~recycling industry is essential to the success of this grant~~  
752 ~~program, the department shall cooperate with private sector~~  
753 ~~entities to develop a process and define specific criteria for~~  
754 ~~allowing their participation with grant recipients.~~

755           ~~(2) The department shall evaluate and prioritize the annual~~  
756 ~~grant proposals and present the annual prioritized list of~~  
757 ~~projects to be funded to the Governor and the Legislature as~~  
758 ~~part of its annual budget request submitted pursuant to chapter~~  
759 ~~216. Potential grant recipients are encouraged to demonstrate~~  
760 ~~local support for grant proposals by the commitment of cash or~~  
761 ~~in-kind matching funds.~~

762           ~~(1)-(3)~~ The department shall develop a consolidated grant  
763 program for small counties having populations fewer than  
764 100,000, with grants to be distributed equally among eligible  
765 counties. Programs to be supported with the small-county  
766 consolidated grants include general solid waste management,



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767 litter prevention and control, and recycling and education  
768 programs.

769 ~~(2)~~(4) The department shall develop a waste tire grant  
770 program making grants available to all counties. The department  
771 shall ensure that at least 25 percent of the funding available  
772 for waste tire grants is distributed equally to each county  
773 having a population fewer than 100,000. Of the remaining funds  
774 distributed to counties having a population of 100,000 or  
775 greater, the department shall distribute those funds on the  
776 basis of population.

777 ~~(3)~~(5) From the funds made available pursuant to s.  
778 403.709(1)(e) for the grant program created by this section, the  
779 following distributions shall be made:

780 ~~(a) Up to 15 percent for the program described in~~  
781 ~~subsection (1);~~

782 ~~(a)~~(b) Up to 50 ~~35~~ percent for the program described in  
783 subsection (1)~~(3)~~; and

784 ~~(b)~~(e) Up to 50 percent for the program described in  
785 subsection (2)~~(4)~~.

786 ~~(4)~~(6) The department may adopt rules necessary to  
787 administer this section, including, but not limited to, rules  
788 governing timeframes for submitting grant applications, criteria  
789 for prioritizing, matching criteria, maximum grant amounts, and  
790 allocation of appropriated funds based upon project and  
791 applicant size.

792 ~~(7) Notwithstanding any provision of this section to the~~  
793 ~~contrary, and for the 2009-2010 fiscal year only, the Department~~  
794 ~~of Environmental Protection shall award the sum of \$2,600,000 in~~  
795 ~~grants equally to counties having populations of fewer than~~



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796 ~~100,000 for waste tire and litter prevention, recycling~~  
797 ~~education, and general solid waste programs. This subsection~~  
798 ~~expires July 1, 2010.~~

799 ~~(8)(a) Notwithstanding any provision of this section to the~~  
800 ~~contrary, and for the 2008-2009 fiscal year only, the Department~~  
801 ~~of Environmental Protection shall award:~~

802 ~~1. The sum of \$9,428,773 in grants equally to counties~~  
803 ~~having populations of fewer than 100,000 for waste tire and~~  
804 ~~litter prevention, recycling education, and general solid waste~~  
805 ~~programs.~~

806 ~~2. The sum of \$2,000,781 to be used for the Innovative~~  
807 ~~Grant Program.~~

808 ~~(b) This subsection expires July 1, 2009.~~

809 Section 11. Subsection (1) of section 403.7145, Florida  
810 Statutes, is amended, and subsections (3) and (4) are added to  
811 that section, to read:

812 403.7145 Recycling.—

813 (1) The Capitol and the House and Senate office buildings  
814 constitute the Capitol recycling area. The Florida House of  
815 Representatives, the Florida Senate, and the Office of the  
816 Governor, the Secretary of State, and each Cabinet officer who  
817 heads a department that occupies office space in the Capitol,  
818 shall institute a recycling program for their respective offices  
819 in the House and Senate office buildings and the Capitol.

820 Provisions shall be made to collect and sell wastepaper and  
821 empty aluminum beverage containers cans generated by employee  
822 activities in these offices. The collection and sale of such  
823 materials shall be reported to Leon County using the  
824 department's designated reporting format and coordinated with



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825 Department of Management Services recycling activities to  
826 maximize the efficiency and economy of this program. The  
827 Governor, the Speaker of the House of Representatives, the  
828 President of the Senate, the Secretary of State, and the Cabinet  
829 officers may authorize the use of proceeds from recyclable  
830 material sales for employee benefits and other purposes, in  
831 order to provide incentives to their respective employees for  
832 participation in the recycling program. Such proceeds may also  
833 be used to offset any costs of the recycling program. As a  
834 demonstration of leading by example, the Capitol Building's  
835 recycling rates shall be posted on the website of the Department  
836 of Management Services and shall include the details of the  
837 recycling rates for each Department of Management Services pool  
838 facility. The Department of Environmental Protection shall post  
839 recycling rates of each state-owned facility reported to the  
840 Department of Management Services.

841 (3) Prior to awarding any grants pursuant to s. 403.7095,  
842 the department shall develop and contract for an innovative  
843 recycling pilot project for the Capitol recycling area. The  
844 project shall be designed to collect recyclable materials and  
845 create a more sustainable recycling system. Components of the  
846 project shall be designed to increase convenience, incentivize  
847 and measure participation, reduce material volume, and assist in  
848 achieving the recycling goals enumerated in s. 403.706.

849 (4) Each public airport operating in this state shall, to  
850 the greatest extent practicable, collect aluminum beverage cans  
851 and recyclable plastic and glass from the airlines and other  
852 entities doing business at the airport and offer such materials  
853 for recycling and may retain the economic benefit of these



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854 activities to offset the costs associated with such collection.  
855 Airport administration offices, airport vendors, and airlines  
856 are encouraged to coordinate the collection of recyclable waste  
857 to the greatest extent practicable. The provisions of this  
858 subsection are not intended to interfere with any established  
859 recycling activity.

860 Section 12. Paragraph (m) is added to subsection (1) of  
861 section 553.77, Florida Statutes, to read:

862 553.77 Specific powers of the commission.—

863 (1) The commission shall:

864 (m) Develop recommendations that increase residential and  
865 commercial recycling and composting, and strongly encourages the  
866 use of recyclable materials and the recycling of construction  
867 and demolition debris.

868 Section 13. Subsection (5) of section 403.7049, Florida  
869 Statutes, is amended to read:

870 403.7049 Determination of full cost for solid waste  
871 management; local solid waste management fees.—

872 (5) In order to assist in achieving the municipal solid  
873 waste reduction goal and the recycling provisions of s.  
874 403.706(2) ~~s. 403.706(4)~~, a county or a municipality which owns  
875 or operates a solid waste management facility is hereby  
876 authorized to charge solid waste disposal fees which may vary  
877 based on a number of factors, including, but not limited to, the  
878 amount, characteristics, and form of recyclable materials  
879 present in the solid waste that is brought to the county's or  
880 the municipality's facility for processing or disposal.

881 Section 14. Section 288.1185, Florida Statutes, is  
882 repealed.



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883 Section 15. This act shall take effect July 1, 2010.

884

885

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

887 And the title is amended as follows:

888 Delete everything before the enacting clause

889 and insert:

890 A bill to be entitled

891 An act relating to environmental protection; amending s.  
892 403.44, F.S.; revising the greenhouse gas reporting requirement  
893 for major emitters; deleting a requirement for the Department of  
894 Environmental Protection to take certain actions related to the  
895 reporting requirement; amending s. 403.7032, F.S.; requiring all  
896 public entities and those entities occupying buildings managed  
897 by the Department of Management Services to report recycling  
898 data to the county using the format designated by the Department  
899 of Environmental Protection; providing an exemption; encouraging  
900 certain private entities to report the disposal of recyclable  
901 materials; requiring the Department of Management Services to  
902 report on green and recycled products purchased through its  
903 procurement system; directing the Department of Environmental  
904 Protection to create the Recycling Business Assistance Center;  
905 providing requirements for the center; amending s. 288.9015,  
906 F.S.; requiring Enterprise Florida, Inc., to provide technical  
907 assistance to the Department of Environmental Protection in the  
908 creation of the Recycling Business Assistance Center; amending  
909 s. 403.7046, F.S.; deleting a requirement that the Department of  
910 Environmental Protection appoint a technical advisory committee;  
911 clarifying reporting requirements; amending s. 403.705, F.S.;





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912 conforming a cross-reference; requiring that the department  
913 report biennially to the Legislature on the state's success in  
914 meeting solid waste reduction goals; amending s. 403.706, F.S.;  
915 revising requirements for the implementation of recyclable  
916 materials recycling programs by counties; providing legislative  
917 intent; providing authority for the Department of Environmental  
918 Protection to require a plan under certain conditions; requiring  
919 a report to the Legislature by the Department of Environmental  
920 Protection if recycling benchmarks are not met; requiring the  
921 department to adopt rules; eliminating a requirement that  
922 counties develop composting goals; encouraging counties to  
923 develop composting plans; providing deadlines for the reporting  
924 of recycling data; revising requirements for the enactment of  
925 ordinances by local governments relating to programs for the  
926 separation of recyclable materials; amending s.403.7061, F.S.;  
927 revising requirements for review of new waste-to-energy facility  
928 capacity by the Department of Environmental Protection;  
929 clarifying an exemption; amending s. 403.707, F.S.; requiring  
930 liners for new construction and demolition debris landfills;  
931 providing reporting requirements for certain construction and  
932 demolition debris; requiring the department to adopt rules;  
933 providing rule requirements; providing an exemption; amending s.  
934 403.708, F.S.; authorizing the disposal of yard trash at a Class  
935 I landfill if the landfill has a system for collecting landfill  
936 gas and arranges for the reuse of the gas; amending s. 403.7095,  
937 F.S.; deleting application requirements for the solid waste  
938 management program; deleting a requirement for the Department of  
939 Environmental Protection to evaluate and prioritize proposals  
940 for inclusion in its annual budget request; amending s.



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941 403.7145, F.S.; revising recycling requirements for state  
942 buildings; providing for a pilot project; requiring each public  
943 airport in the state to collect aluminum beverage cans and  
944 recyclable plastic and glass from the entities doing business at  
945 the airport and to offer such materials for recycling; amending  
946 s. 553.77, F.S.; authorizing the Florida Building Commission to  
947 develop recommendations for recycling and composting; amending  
948 s. 403.7049, F.S.; conforming a cross-reference; repealing s.  
949 288.1185, F.S., relating to the Recycling Markets Advisory  
950 Committee; providing an effective date.  
951