



LEGISLATIVE ACTION

Senate . House

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04/26/2010 03:48 PM .

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Senator Constantine moved the following:

**Senate Amendment (with title amendment)**

Delete lines 449 - 639

and insert:

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

403.706 Local government solid waste responsibilities.—

(2) (a) Each county shall implement a recyclable materials recycling program that shall have a goal of recycling solid waste by 40 percent by December 31, 2012, 50 percent by December 31, 2014, 60 percent by December 31, 2016, 70 percent by December 31, 2018, and 75 percent by December 31, 2020. Counties and municipalities are encouraged to form cooperative



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14 arrangements for implementing recycling programs.

15 (b) In order to assist in attaining the goals provided in  
16 this paragraph (a), the Legislature finds that the recycling of  
17 construction and demolition debris is in the state's interest.  
18 Each county shall implement a program with the following goals  
19 for recycling construction and demolition debris: 40 percent by  
20 December 31, 2012; 50 percent by December 31, 2014; 60 percent  
21 by December 31, 2016; 70 percent by December 31, 2018; and 75  
22 percent by December 31, 2020.

23 (c) Newly developed property receiving a building permit or  
24 its functional equivalent on or after March 1, 2011, which is  
25 used for multifamily residential purposes or for commercial  
26 purposes, must provide adequate space and an adequate receptacle  
27 for recycling by the tenant or owner of the property. This  
28 provision is limited to counties and cities that have an  
29 established commercial recycling program which provides  
30 recycling receptacles to multifamily residential properties and  
31 commercial properties and also provides regular pick-up service  
32 for those receptacles.

33 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,  
34 the county, as determined by the department in accordance with  
35 applicable rules, has not reached the recycling goals provided  
36 in paragraph (a), the department may direct the county to  
37 develop a plan to expand recycling programs to existing  
38 commercial and multifamily dwellings, including, but not limited  
39 to, apartment complexes.

40 (e) If the state's recycling rate for the 2013 calendar  
41 year is below 40 percent, or below 50 percent by January 1,  
42 2015, or below 60 percent by January 1, 2017, or below 70



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43 percent by January 1, 2019, or below 75 percent by January 1,  
44 2021, the department shall provide a report to the Legislature.  
45 The report shall identify those additional programs or statutory  
46 changes needed to achieve the goals provided in this subsection.  
47 The report shall be provided no later than 30 days prior to the  
48 Regular Session of the Legislature. If the state reaches its  
49 recycling goals as described in this paragraph, the department  
50 shall not provide a report to the Legislature.

51 (f) ~~(b)~~ Such programs shall be designed to recover a  
52 significant portion of at least four of the following materials  
53 from the solid waste stream prior to final disposal at a solid  
54 waste disposal facility and to offer these materials for  
55 recycling: newspaper, aluminum cans, steel cans, glass, plastic  
56 bottles, cardboard, office paper, and yard trash. Local  
57 governments which operate permitted waste-to-energy facilities  
58 may retrieve ferrous and nonferrous metal as a byproduct of  
59 combustion.

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

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

68 ~~(d) By July 1, 2010, each county shall develop and~~  
69 ~~implement a plan to achieve a goal to compost organic materials~~  
70 ~~that would otherwise be disposed of in a landfill. The goal~~  
71 ~~shall provide that up to 10 percent and no less than 5 percent~~



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72 ~~of organic material would be composted within the county and the~~  
73 ~~municipalities within its boundaries. The department may reduce~~  
74 ~~or modify the compost goal if the county demonstrates to the~~  
75 ~~department that achievement of the goal would be impractical~~  
76 ~~given the county's unique demographic, urban density, or~~  
77 ~~inability to separate normally compostable material from the~~  
78 ~~solid waste stream. The composting plan is encouraged to address~~  
79 ~~partnership with the private sector.~~

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

84 (4) ~~(a)~~ A county's solid waste management and recycling  
85 programs shall be designed to provide for sufficient reduction  
86 of the amount of solid waste generated within the county and the  
87 municipalities within its boundaries in order to meet goals for  
88 the reduction of municipal solid waste prior to the final  
89 disposal or the incineration of such waste at a solid waste  
90 disposal facility. The goals shall provide, at a minimum, that  
91 the amount of municipal solid waste that would be disposed of  
92 within the county and the municipalities within its boundaries  
93 is reduced by at least 30 percent.

94 (a) ~~(b)~~ A county may receive credit for one-half of the  
95 recycling goal in subsection (2) ~~for waste reduction~~ from the  
96 use of yard trash, or other clean wood waste or paper waste, in  
97 innovative programs including, but not limited to, programs that  
98 produce alternative clean-burning fuels such as ethanol or that  
99 provide for the conversion of yard trash or other clean wood  
100 waste or paper waste to clean-burning fuel for the production of



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101 energy for use at facilities other than a waste-to-energy  
102 facility as defined in s. 403.7061. The provisions of this  
103 paragraph apply only if a county can demonstrate that:

104 1. The county has implemented a yard trash mulching or  
105 composting program, and

106 2. As part of the program, compost and mulch made from yard  
107 trash is available to the general public and in use at county-  
108 owned or maintained and municipally owned or maintained  
109 facilities in the county and state agencies operating in the  
110 county as required by this section.

111 (b) ~~(e)~~ A county with a population of 100,000 or less may  
112 provide its residents with the opportunity to recycle in lieu of  
113 achieving the goal set forth in this section ~~paragraph (a)~~. For  
114 the purposes of this section subsection, the "opportunity to  
115 recycle" means that the county:

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

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

121 2. Provides a public education and promotion program that  
122 is conducted to inform its residents of the opportunity to  
123 recycle, encourages source separation of recyclable materials,  
124 and promotes the benefits of reducing, reusing, recycling, and  
125 composting materials.

126 (6) The department may reduce or modify the municipal solid  
127 waste recycling reduction goal that a county is required to  
128 achieve pursuant to subsection (2) ~~(4)~~ if the county  
129 demonstrates to the department that:



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

135 (b) The county or the city cannot remove normally  
136 combustible materials from solid waste that is to be processed  
137 at a waste-to-energy facility because of the need to maintain a  
138 sufficient amount of solid waste to ensure the financial  
139 viability of the facility.

140  
141 The goal shall not be waived entirely and may only be  
142 reduced or modified to the extent necessary to alleviate the  
143 adverse effects of achieving the goal on the financial viability  
144 of a county's waste-to-energy facility. Nothing in this  
145 subsection shall exempt a county from developing and  
146 implementing a recycling program pursuant to this act.

147 (7) In order to assess the progress in meeting the goal  
148 established in subsection (2) ~~(4)~~, each county shall, by April 1  
149 ~~November~~ each year, provide information to the department  
150 regarding its annual solid waste management program and  
151 recycling activities. The information by the county must, at a  
152 minimum, include:

153 (a) The amount of municipal solid waste disposed of at  
154 solid waste disposal facilities, by type of waste such as yard  
155 trash, white goods, clean debris, tires, and unseparated solid  
156 waste;

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



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

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

164 (21) Local governments are authorized to enact ordinances  
165 that require and direct all residential properties, multifamily  
166 dwelling, and apartment complexes and industrial, commercial,  
167 and institutional establishments as defined by the local  
168 government to establish programs for the separation of  
169 recyclable materials designated by the local government, which  
170 recyclable materials are specifically intended for purposes of  
171 recycling and for which a market exists, and to provide for  
172 their collection. Such ordinances may include, but are not  
173 limited to, provisions that prohibit any person from knowingly  
174 disposing of recyclable materials designated by the local  
175 government and that ensure the collection of recovered materials  
176 as necessary to protect public health and safety.

177 Section 7. Paragraph (c) of subsection (3) of section  
178 403.7061, Florida Statutes, is amended to read:

179 403.7061 Requirements for review of new waste-to-energy  
180 facility capacity by the Department of Environmental  
181 Protection.—

182 (3) An applicant must provide reasonable assurance that the  
183 construction of a new waste-to-energy facility or the expansion  
184 of an existing waste-to-energy facility will comply with the  
185 following criteria:

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



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188 program that is designed to achieve a the waste recycling  
189 ~~reduction~~ goal of 30 percent set forth in s. 403.706(4). For the  
190 purposes of this section, the provisions of s. 403.706(4) (c) for  
191 counties having populations of 100,000 or fewer ~~do not apply~~.

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193

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

195 And the title is amended as follows:

196 Delete lines 33 - 41

197 and insert:

198 programs by counties; providing legislative intent;  
199 providing requirements for the provision of recycling services;  
200 providing authority for the Department of Environmental  
201 Protection to require a plan under certain conditions; requiring  
202 a report to the Legislature by the Department of Environmental  
203 Protection if recycling benchmarks are not met; requiring the  
204 department to adopt rules; eliminating a requirement that  
205 counties develop composting goals; encouraging counties to  
206 develop composting plans; providing for waivers