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LEGISLATIVE ACTION

Senate

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House

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04/26/2010 03:46 PM

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Senator Constantine moved the following:

**Senate Amendment (with title amendment)**

Delete lines 436 - 639

and insert:

Section 5. Paragraph (c) of subsection (2) and subsection (3) of section 403.705, Florida Statutes, are amended and a new subsection (4) is created to read:

403.705 State solid waste management program.—

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

(c) Planning guidelines and technical assistance to counties and municipalities to aid in meeting the municipal solid waste recycling ~~reduction~~ goals established in s.



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14 403.706(2) ~~s. 403.706(4)~~.

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

19 (4) The department shall adopt rules creating a voluntary  
20 certification program for materials recovery facilities. The  
21 certification criteria shall be based upon the amount and type  
22 of materials recycled and the compliance record of the facility,  
23 and may vary depending on the location in the state and the  
24 available markets for the materials that are processed. Any  
25 materials recovery facility seeking certification shall file an  
26 application to modify its permit, or shall include a  
27 certification application as part of its original permit  
28 application, which application shall not require an additional  
29 fee. The department shall adopt a form for certification  
30 applications, and shall require at least annual reports to  
31 verify the continued qualification for certification. After  
32 January 1, 2012, a county or city must consider utilizing a  
33 certified recycler when renewing or entering into a contract  
34 with a materials recovery facility to accept or process solid  
35 waste.

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

38 403.706 Local government solid waste responsibilities.—

39 (2)(a) Each county shall implement a recyclable materials  
40 recycling program that shall have a goal of recycling solid  
41 waste by 40 percent by December 31, 2012, 50 percent by December  
42 31, 2014, 60 percent by December 31, 2016, 70 percent by



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43 December 31, 2018, and 75 percent by December 31, 2020. Counties  
44 and municipalities are encouraged to form cooperative  
45 arrangements for implementing recycling programs.

46 (b) In order to assist in attaining the goals provided in  
47 this paragraph (a), the Legislature finds that the recycling of  
48 construction and demolition debris is in the state's interest.  
49 Each county shall implement a program with the following goals  
50 for recycling construction and demolition debris: 40 percent by  
51 December 31, 2012; 50 percent by December 31, 2014; 60 percent  
52 by December 31, 2016; 70 percent by December 31, 2018; and 75  
53 percent by December 31, 2020.

54 (c) Newly developed property receiving a building permit or  
55 its functional equivalent on or after January 1, 2011, which is  
56 used for multifamily residential purposes or for commercial  
57 purposes, must provide adequate space and an adequate receptacle  
58 for recycling by the tenant or owner of the property. This  
59 provision is limited to counties and cities that have an  
60 established commercial recycling program which provides  
61 recycling receptacles to multifamily residential properties and  
62 commercial properties and also provides regular pick-up service  
63 for those receptacles.

64 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,  
65 the county, as determined by the department in accordance with  
66 applicable rules, has not reached the recycling goals provided  
67 in paragraph (a), the department may direct the county to  
68 develop a plan to expand recycling programs to existing  
69 commercial and multifamily dwellings, including, but not limited  
70 to, apartment complexes.

71 (e) If the state's recycling rate for the 2013 calendar



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72 year is below 40 percent, or below 50 percent by January 1,  
73 2015, or below 60 percent by January 1, 2017, or below 70  
74 percent by January 1, 2019, or below 75 percent by January 1,  
75 2021, the department shall provide a report to the Legislature.  
76 The report shall identify those additional programs or statutory  
77 changes needed to achieve the goals provided in this subsection.  
78 The report shall be provided no later than 30 days prior to the  
79 Regular Session of the Legislature. If the state reaches its  
80 recycling goals as described in this paragraph, the department  
81 shall not provide a report to the Legislature.

82 (f) ~~(b)~~ Such programs shall be designed to recover a  
83 significant portion of at least four of the following materials  
84 from the solid waste stream prior to final disposal at a solid  
85 waste disposal facility and to offer these materials for  
86 recycling: newspaper, aluminum cans, steel cans, glass, plastic  
87 bottles, cardboard, office paper, and yard trash. Local  
88 governments which operate permitted waste-to-energy facilities  
89 may retrieve ferrous and nonferrous metal as a byproduct of  
90 combustion.

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

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

99 ~~(d) By July 1, 2010, each county shall develop and~~  
100 ~~implement a plan to achieve a goal to compost organic materials~~



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101 ~~that would otherwise be disposed of in a landfill. The goal~~  
102 ~~shall provide that up to 10 percent and no less than 5 percent~~  
103 ~~of organic material would be composted within the county and the~~  
104 ~~municipalities within its boundaries. The department may reduce~~  
105 ~~or modify the compost goal if the county demonstrates to the~~  
106 ~~department that achievement of the goal would be impractical~~  
107 ~~given the county's unique demographic, urban density, or~~  
108 ~~inability to separate normally compostable material from the~~  
109 ~~solid waste stream. The composting plan is encouraged to address~~  
110 ~~partnership with the private sector.~~

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

115 ~~(4)(a)~~ A county's solid waste management and recycling  
116 programs shall be designed to provide for sufficient reduction  
117 of the amount of solid waste generated within the county and the  
118 municipalities within its boundaries in order to meet goals for  
119 the reduction of municipal solid waste prior to the final  
120 disposal or the incineration of such waste at a solid waste  
121 disposal facility. The goals shall provide, at a minimum, that  
122 the amount of municipal solid waste that would be disposed of  
123 within the county and the municipalities within its boundaries  
124 is reduced by at least 30 percent.

125 ~~(a)(b)~~ A county may receive credit for one-half of the  
126 recycling goal in subsection (2) for waste reduction from the  
127 use of yard trash, or other clean wood waste or paper waste, in  
128 innovative programs including, but not limited to, programs that  
129 produce alternative clean-burning fuels such as ethanol or that



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130 provide for the conversion of yard trash or other clean wood  
131 waste or paper waste to clean-burning fuel for the production of  
132 energy for use at facilities other than a waste-to-energy  
133 facility as defined in s. 403.7061. The provisions of this  
134 paragraph apply only if a county can demonstrate that:

135 1. The county has implemented a yard trash mulching or  
136 composting program, and

137 2. As part of the program, compost and mulch made from yard  
138 trash is available to the general public and in use at county-  
139 owned or maintained and municipally owned or maintained  
140 facilities in the county and state agencies operating in the  
141 county as required by this section.

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

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

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

152 2. Provides a public education and promotion program that  
153 is conducted to inform its residents of the opportunity to  
154 recycle, encourages source separation of recyclable materials,  
155 and promotes the benefits of reducing, reusing, recycling, and  
156 composting materials.

157 (6) The department may reduce or modify the municipal solid  
158 waste recycling ~~reduction~~ goal that a county is required to



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159 achieve pursuant to subsection (2) ~~(4)~~ if the county  
160 demonstrates to the department that:

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

166 (b) The county or the city cannot remove normally  
167 combustibile materials from solid waste that is to be processed  
168 at a waste-to-energy facility because of the need to maintain a  
169 sufficient amount of solid waste to ensure the financial  
170 viability of the facility.

171  
172 The goal shall not be waived entirely and may only be  
173 reduced or modified to the extent necessary to alleviate the  
174 adverse effects of achieving the goal on the financial viability  
175 of a county's waste-to-energy facility. Nothing in this  
176 subsection shall exempt a county from developing and  
177 implementing a recycling program pursuant to this act.

178 (7) In order to assess the progress in meeting the goal  
179 established in subsection (2) ~~(4)~~, each county shall, by April 1  
180 ~~November~~ each year, provide information to the department  
181 regarding its annual solid waste management program and  
182 recycling activities. The information by the county must, at a  
183 minimum, include:

184 (a) The amount of municipal solid waste disposed of at  
185 solid waste disposal facilities, by type of waste such as yard  
186 trash, white goods, clean debris, tires, and unseparated solid  
187 waste;



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

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

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

195 (21) Local governments are authorized to enact ordinances  
196 that require and direct all residential properties, multifamily  
197 dwelling, and apartment complexes and industrial, commercial,  
198 and institutional establishments as defined by the local  
199 government to establish programs for the separation of  
200 recyclable materials designated by the local government, which  
201 recyclable materials are specifically intended for purposes of  
202 recycling and for which a market exists, and to provide for  
203 their collection. Such ordinances may include, but are not  
204 limited to, provisions that prohibit any person from knowingly  
205 disposing of recyclable materials designated by the local  
206 government and that ensure the collection of recovered materials  
207 as necessary to protect public health and safety.

208 Section 7. Paragraph (c) of subsection (3) of section  
209 403.7061, Florida Statutes, is amended to read:

210 403.7061 Requirements for review of new waste-to-energy  
211 facility capacity by the Department of Environmental  
212 Protection.-

213 (3) An applicant must provide reasonable assurance that the  
214 construction of a new waste-to-energy facility or the expansion  
215 of an existing waste-to-energy facility will comply with the  
216 following criteria:





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217 (c) The county in which the facility is located has  
218 implemented and maintains a solid waste management and recycling  
219 program that is designed to achieve a the waste recycling  
220 ~~reduction~~ goal of 30 percent ~~set forth in s. 403.706(4)~~. For the  
221 purposes of this section, the provisions of s. 403.706(4)(c) for  
222 counties having populations of 100,000 or fewer ~~do not apply~~.  
223

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

225 And the title is amended as follows:

226 Delete line 41

227 and insert:

228 encouraging counties to develop composting plans;

229 providing for waivers