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1 Proposed Committee Substitute by the Committee on
2 Environmental Preservation and Conservation

3 A bill to be entitled
4 An act relating to environmental protection; amending s.
5 403.7032, F.S.; requiring all public entities to recycle;
6 requiring public entities and certain private entities to report
7 disposal of recyclable materials; specifying utilization of the
8 Department of Management Services website; directing the
9 Department of Environmental Protection and Enterprise Florida,
10 Inc., to create the Recycling Business Assistance Center;
11 providing requirements; amending s. 288.9015, F.S.; requiring
12 Enterprise Florida, Inc., and the Department of Environmental
13 Protection to create the Recycling Business Assistance Center;
14 authorizing Enterprise Florida, Inc., to consult with other
15 state agency personnel; amending s. 403.7046, F.S.; deleting a
16 requirement that the Department of Environmental Protection
17 appoint a technical advisory committee; clarifying reporting
18 requirements; amending s. 403.705, F.S.; requiring a biennial
19 report to the Legislature; amending s. 403.706, F.S.; requiring
20 counties to meet specific recycling benchmarks, requiring the
21 recycling of materials for new commercial and multi-family
22 projects; providing authority for the Department of
23 Environmental Protection to require a report under certain
24 conditions; requiring a report to the Legislature by the
25 Department of Environmental Protection if recycling benchmarks
26 are not met; eliminating a requirement that counties develop
27 composting goals; clarifying the conditions under which waste to



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28 energy can be used as an option for meeting the recycling
29 benchmarks; providing exceptions; providing deadlines for the
30 reporting of recycling data; amending s. 403.7145, F.S.;
31 revising state buildings recycling requirements; providing for
32 pilot project; amending s. 403.707, F.S.; requiring liners for
33 new construction and demolition debris landfills; establishing
34 recycling rates for source separation activities; requiring
35 inspections for waste to energy facilities; repealing s.
36 288.1185, F.S.; providing an effective date.

37

38 Be It Enacted by the Legislature of the State of Florida:

39

40 Section 1. Section 403.7032, Florida Statutes, is amended
41 to read:

42 403.7032 Recycling.—

43 (1) The Legislature finds that the failure or inability to
44 economically recover material and energy resources from solid
45 waste results in the unnecessary waste and depletion of our
46 natural resources. As the state continues to grow, so will the
47 potential amount of discarded material that must be treated and
48 disposed of, necessitating the improvement of solid waste
49 collection and disposal. Therefore, the maximum recycling and
50 reuse of such resources are considered high-priority goals of
51 the state.

52 (2) By the year 2020, the long-term goal for the recycling
53 efforts of state and local governmental entities, private
54 companies and organizations, and the general public is to reduce
55 the amount of recyclable solid waste disposed of in waste
56 management facilities, landfills, or incineration facilities by



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57 a statewide average of at least 75 percent. ~~However, any solid~~
58 ~~waste used for the production of renewable energy shall count~~
59 ~~toward the long term recycling goal as set forth in this~~
60 ~~section.~~

61 (3) All state agencies, K-12 public schools, public
62 institutions of higher learning, community colleges, state
63 universities; must at a minimum annually report to the county
64 utilizing the Department's designated reporting format, all
65 recycled materials from these entities. This includes all
66 buildings that are occupied by city, county, or state employees,
67 or if it is managed by the Department of Management Services,
68 those entities must report, to the county, their recycling data
69 utilizing the department's designated reporting format. Private
70 businesses, other than Certified Recovered Materials Dealers,
71 with 25 or more employees that generate recyclable materials
72 such as but not limited to paper, metals, glass, plastics,
73 textiles, rubber materials, and mulch, shall report the amount
74 of recycled materials to the county biennially starting January
75 1, 2011, utilizing the Department's designated reporting format.
76 Private businesses not required to report their recycling rates
77 are encouraged to participate. Notwithstanding any other
78 provisions of state or local law, those private business
79 reporting, other than certified recovered materials dealers,
80 according to this subsection shall not be required to comply
81 with any additional recycling reporting requirements regarding
82 their recycling rates. Private businesses in compliance with the
83 reporting requirement and those that voluntarily report shall be
84 given additional preference under the procurement guidelines of
85 s. 287.045. Private businesses of 25 employees or more that do



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86 not report their recycling rates to the department will have a
87 zero percent recycling rate reported and will not be eligible
88 for additional preference under the procurement guidelines of s.
89 287.045.

90 ~~(4)(3)~~ The Department of Environmental Protection shall
91 develop a comprehensive recycling program that is designed to
92 achieve the percentage under subsection (2) and submit the
93 program to the President of the Senate and the Speaker of the
94 House of Representatives by January 1, 2010. The program may not
95 be implemented until approved by the Legislature. The program
96 must be developed in coordination with input from state and
97 local entities, private businesses, and the public. Under the
98 program, recyclable materials shall include, but are not limited
99 to, metals, paper, glass, plastic, textile, rubber materials,
100 and mulch. Components of the program shall include, but are not
101 limited to:

102 (a) Programs to identify environmentally preferable
103 purchasing practices to encourage the purchase of recycled,
104 durable, and less toxic goods. The Department of Management
105 Services shall modify its procurement system to report on green
106 and recycled products purchased through the system by September
107 30, 2011.

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

110 (c) Programs for statewide recognition of successful
111 recycling efforts by schools, businesses, public groups, and
112 private citizens.

113 (d) Programs for municipalities and counties to develop and
114 implement efficient recycling efforts to return valuable



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115 materials to productive use, conserve energy, and protect
116 natural resources.

117 (e) Programs by which the department can provide technical
118 assistance to municipalities and counties in support of their
119 recycling efforts.

120 (f) Programs to educate and train the public in proper
121 recycling efforts.

122 (g) Evaluation of how financial assistance can best be
123 provided to municipalities and counties in support of their
124 recycling efforts.

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

127 (5) The Department of Environmental Protection, in
128 cooperation with Enterprise Florida, Inc., shall create the
129 Recycling Business Assistance Center by December 1, 2010. The
130 purpose of the center shall be to serve as the mechanism for
131 coordination among state agencies and the private sector to
132 coordinate policy and overall strategic planning for developing
133 new markets and expanding and enhancing existing markets for
134 recyclable materials in this state, other states, and foreign
135 countries. The duties of the center must include, at a minimum:

136 (a) Identifying and developing new markets and expanding
137 and enhancing existing markets for recyclable materials;

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

139 (c) Targeting materials for concentrated market-development
140 efforts;

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

143 (e) Providing guidance on issues such as permitting,



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144 finance options for recycling market development, site location,
145 research and development, grant program criteria for recycled
146 materials markets, recycling markets education and information,
147 and minimum content;

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

151 (g) Evaluating source-reduced products as they relate to
152 state procurement policy. The evaluation shall include, but is
153 not limited to, the environmental and economic impact of source-
154 reduced product purchases to the state. For the purposes of this
155 subsection, the term "source-reduced" means any method, process,
156 product, or technology that significantly or substantially
157 reduces the volume or weight of a product while providing, at a
158 minimum, equivalent or generally similar performance and service
159 to and for the users of such materials;

160 (h) Providing evaluation of solid waste management grants,
161 pursuant to s. 403.7095, to reduce the flow of solid waste to
162 disposal facilities and encourage the sustainable recovery of
163 materials from Florida's waste stream;

164 (i) Providing below-market financing for companies that
165 manufacture products from recycled materials or convert
166 recyclable materials into raw materials for use in
167 manufacturing, pursuant to the Florida Recycling Loan Program as
168 administered by the Florida First Capital Finance Corporation;

169 (j) Maintaining a continuously updated online directory,
170 listing the public and private entities that collect, transport,
171 broker, process, or remanufacture recyclable materials in
172 Florida.



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173 (k) Providing information on the availability and benefits
174 of using recycled materials to private entities and industries
175 in the state; and

176 (l) Distributing any materials prepared in implementing
177 this subsection to the public, private entities, industries,
178 governmental entities, or other organizations upon request.

179 Section 2. Subsection (9) is added to section 288.9015,
180 Florida Statutes, to read:

181 288.9015 Enterprise Florida, Inc.; purpose; duties.—

182 (9) Enterprise Florida, Inc., in cooperation with the
183 Department of Environmental Protection, shall create the
184 Recycling Business Assistance Center by December 1, 2010,
185 pursuant to the requirements of s. 403.7032(5).

186 Section 3. Subsections (1) and (2) of section 403.7046,
187 Florida Statutes, are amended to read:

188 403.7046 Regulation of recovered materials.—

189 (1) Any person who handles, purchases, receives, recovers,
190 sells, or is an end user of recovered materials shall annually
191 certify to the department on forms provided by the department.
192 The department may by rule exempt from this requirement
193 generators of recovered materials; persons who handle or sell
194 recovered materials as an activity which is incidental to the
195 normal primary business activities of that person; or persons
196 who handle, purchase, receive, recover, sell, or are end users
197 of recovered materials in small quantities as defined by the
198 department. The department shall adopt rules for the
199 certification of and reporting by such persons and shall
200 establish criteria for revocation of such certification. ~~Prior~~
201 ~~to the adoption of such rules, the department shall appoint a~~



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202 ~~technical advisory committee of no more than nine persons,~~
203 ~~including, at a minimum, representatives of the Florida~~
204 ~~Association of Counties, the Florida League of Cities, the~~
205 ~~Florida Recyclers Association, and the Florida Chapter of the~~
206 ~~National Solid Waste Management Association, to aid in the~~
207 ~~development of such rules.~~ Such rules shall be designed to
208 elicit, at a minimum, the amount and types of recovered
209 materials handled by registrants, and the amount and disposal
210 site, or name of person with whom such disposal was arranged, of
211 any solid waste generated by such facility. By February 1 of
212 each year, registrants shall report all required information to
213 the department and to all counties from which it received
214 materials. Such rules may provide for the department to conduct
215 periodic inspections. The department may charge a fee of up to
216 \$50 for each registration, which shall be deposited into the
217 Solid Waste Management Trust Fund for implementation of the
218 program.

219 (2) Information reported pursuant to the requirements of
220 this section or any rule adopted pursuant to this section which,
221 if disclosed, would reveal a trade secret, as defined in s.
222 812.081(1)(c), is confidential and exempt from the provisions of
223 s. 119.07(1). For reporting or information purposes, however,
224 the department may provide this information in such form that
225 the names of the persons reporting such information and the
226 specific information reported are not revealed.

227 Section 4. Subsection (3) of section 403.705, Florida
228 Statutes, is amended to read:

229 403.705 State solid waste management program.—

230 (3) The department shall ~~periodically seek information from~~



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231 ~~counties to~~ evaluate and report to the Legislature biennially on
232 the state's success in meeting the solid waste reduction goal as
233 described in s. 403.706(2).

234 Section 5. Subsections (2), (4), (7), and (21) of section
235 403.706, Florida Statutes, are amended to read:

236 403.706 Local government solid waste responsibilities.—

237 (2) (a) Each county shall implement a recyclable materials
238 recycling program that shall have a goal of recycling solid
239 waste by forty percent by December 31, 2012, fifty percent by
240 December 31, 2014, sixty percent by December 31, 2016, seventy
241 percent by December 31, 2018, and seventy-five percent by
242 December 31, 2020. Counties and municipalities are encouraged to
243 form cooperative arrangements for implementing recycling
244 programs.

245 (b) In order to assist in attaining the goals provided in
246 this subsection the Legislature finds that the recycling of
247 construction and demolition debris is in the state's interest.
248 Each county shall implement a program that shall have a goal of
249 reducing construction and demolition debris disposed of in
250 landfills by forty percent by December 31, 2012, fifty percent
251 by December 31, 2014, sixty percent by December 31, 2016,
252 seventy percent by December 31, 2018, and seventy-five percent
253 by December 31, 2020.

254 (c) All commercial and multi-family construction projects,
255 including but not limited to apartment complexes, that begin
256 construction after July 1, 2010, must provide an opportunity for
257 the tenants and owners to recycle, including if necessary,
258 designated space for the placement of recycle receptacles for
259 the occupants.



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260 (d) If by January 1 of 2013, 2015, 2017, 2019, or 2021 the
261 county, as determined by the department, has not reached the
262 previous year's recycling goal, as provided in this subsection,
263 the department may direct the county to develop a plan to expand
264 recycling programs to existing commercial and multi-family
265 dwelling, including but not limited to apartment complexes.

266 (e) If the state's 2013 calendar year recycling rate is
267 below forty-five percent, the department shall provide a report
268 to the Legislature. The report shall identify those additional
269 programs including but not limited to composting, zero waste
270 zones, pay as you throw, a container deposit program, a landfill
271 disposal surcharge fee or a prohibition of disposable plastic
272 bags or statutory changes needed to achieve the goals provided
273 in this subsection. The report must include an evaluation of the
274 costs to the public and private sectors to enact and administer
275 these programs. The report shall be provided no later than 30
276 days prior to the 2015 regular session of the Legislature.

277 (f) ~~(b)~~ Such programs shall be designed to recover a
278 significant portion of at least four of the following materials
279 from the solid waste stream prior to final disposal at a solid
280 waste disposal facility and to offer these materials for
281 recycling: newspaper, aluminum cans, steel cans, glass, plastic
282 bottles, cardboard, office paper, and yard trash. Local
283 governments which operate permitted waste-to-energy facilities
284 may retrieve ferrous and nonferrous metal as a byproduct of
285 combustion.

286 (g) ~~(e)~~ Local governments are encouraged to separate all
287 plastics, metal, and all grades of paper for recycling prior to
288 final disposal and are further encouraged to recycle yard trash



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289 and other mechanically treated solid waste into compost
290 available for agricultural and other acceptable uses.

291 ~~(d) By July 1, 2010, each county shall develop and~~
292 ~~implement a plan to achieve a goal to compost organic materials~~
293 ~~that would otherwise be disposed of in a landfill. The goal~~
294 ~~shall provide that up to 10 percent and no less than 5 percent~~
295 ~~of organic material would be composted within the county and the~~
296 ~~municipalities within its boundaries. The department may reduce~~
297 ~~or modify the compost goal if the county demonstrates to the~~
298 ~~department that achievement of the goal would be impractical~~
299 ~~given the county's unique demographic, urban density, or~~
300 ~~inability to separate normally compostable material from the~~
301 ~~solid waste stream. The composting plan is encouraged to address~~
302 ~~partnership with the private sector.~~

303 (h) ~~(e)~~ Each county is encouraged to consider plans for
304 composting or mulching organic materials that would otherwise be
305 disposed of in a landfill. The composting or mulching plans are
306 encouraged to address partnership with the private sector.

307 (4) (a) A county's solid waste management and recycling
308 programs shall be designed to provide for sufficient reduction
309 of the amount of solid waste generated within the county and the
310 municipalities within its boundaries in order to meet goals for
311 the reduction of municipal solid waste prior to the final
312 disposal or the incineration of such waste at a solid waste
313 disposal facility. The goals shall provide, at a minimum, that
314 the amount of municipal solid waste that would be disposed of
315 within the county and the municipalities within its boundaries
316 is designed to meet the requirements of subsection (2) is
317 ~~reduced by at least 30 percent.~~



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318 (b) A county may receive credit for one-half of the goal
319 for waste reduction from the use of yard trash, or other clean
320 wood waste or paper waste, in innovative programs including, but
321 not limited to, programs that produce alternative clean-burning
322 fuels such as ethanol or that provide for the conversion of yard
323 trash or other clean wood waste or paper waste to clean-burning
324 fuel for the production of energy for use at facilities other
325 than a waste-to-energy facility as defined in s. 403.7061. The
326 provisions of this paragraph apply only if a county can
327 demonstrate that:

328 1. The county has implemented a yard trash mulching or
329 composting program, and

330 2. As part of the program, compost and mulch made from yard
331 trash is available to the general public and in use at county-
332 owned or maintained and municipally owned or maintained
333 facilities in the county and state agencies operating in the
334 county as required by this section.

335 (c) Solid waste used for the production of renewable energy
336 shall count toward the long-term recycling goal as set forth in
337 this section, provided the county in which a waste to energy
338 facility is located has implemented and maintains a program that
339 is designed to recycle at least fifty percent of municipal solid
340 waste by means other than gasification or combustion. The duty
341 to implement and maintain such recycling program shall not apply
342 to counties where debt service payment is pledged with net
343 revenues derived from the operation of the waste to energy
344 facility.

345 (d)~~(e)~~ A county with a population of 100,000 or less may
346 provide its residents with the opportunity to recycle in lieu of



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347 achieving the goal set forth in this section ~~paragraph (a)~~. For
348 the purposes of this section subsection, the "opportunity to
349 recycle" means that the county:

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

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

355 2. Provides a public education and promotion program that
356 is conducted to inform its residents of the opportunity to
357 recycle, encourages source separation of recyclable materials,
358 and promotes the benefits of reducing, reusing, recycling, and
359 composting materials.

360 (7) In order to assess the progress in meeting the goal
361 established in subsection (2)(4), each county shall, by April 1,
362 ~~November~~ each year, provide information to the department
363 regarding its annual solid waste management program and
364 recycling activities. The information by the county must, at a
365 minimum, include:

366 (a) The amount of municipal solid waste disposed of at
367 solid waste disposal facilities, by type of waste such as yard
368 trash, white goods, clean debris, tires, and unseparated solid
369 waste;

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

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

374 (d) Beginning with the data for calendar year 2012, the
375 department shall annually, by July 1, post on their website the



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376 prior calendar year recycling rates of each county.

377 (21) Local governments are authorized to enact ordinances
378 that require and direct all residential properties, multi-family
379 dwellings and apartment complexes and industrial, commercial,
380 and institutional establishments as defined by the local
381 government to establish programs for the separation of
382 recyclable materials designated by the local government, which
383 recyclable materials are specifically intended for purposes of
384 recycling and for which a market exists, and to provide for
385 their collection. Such ordinances may include, but are not
386 limited to, provisions that prohibit any person from knowingly
387 disposing of recyclable materials designated by the local
388 government and that ensure the collection of recovered materials
389 as necessary to protect public health and safety.

390 Section 6. Subsection (1) of section 403.7145, Florida
391 Statutes, is amended and a new subsection (3) is created to
392 read:

393 403.7145 Recycling.—

394 (1) The Capitol and the House and Senate office buildings
395 constitute the Capitol recycling area. The Florida House of
396 Representatives, the Florida Senate, and the Office of the
397 Governor, the Secretary of State, and each Cabinet officer who
398 heads a department that occupies office space in the Capitol,
399 shall institute a recycling program for their respective offices
400 in the House and Senate office buildings and the Capitol.
401 Provisions shall be made to collect and sell wastepaper and
402 empty ~~aluminum~~ beverage containers ~~cans~~ generated by employee
403 activities in these offices. The collection and sale of such
404 materials shall be reported to Leon County using the



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405 department's designated reporting format and coordinated with
406 Department of Management Services recycling activities to
407 maximize the efficiency and economy of this program. The
408 Governor, the Speaker of the House of Representatives, the
409 President of the Senate, the Secretary of State, and the Cabinet
410 officers may authorize the use of proceeds from recyclable
411 material sales for employee benefits and other purposes, in
412 order to provide incentives to their respective employees for
413 participation in the recycling program. Such proceeds may also
414 be used to offset any costs of the recycling program. As a
415 demonstration of leading by example, the Capitol buildings
416 recycling rates will be posted on the website of the Department
417 of Management Services and will include the details of each
418 Department of Management Services Pool facility recycling rates.
419 The Department of Environmental Protection will post recycling
420 rates of each state owned facility reported to the Department of
421 Management Services.

422 (3) Prior to awarding any grants pursuant to s. 403.7095,
423 the department shall develop and contract for an innovative
424 recycling pilot project for the Capitol recycling area. Such
425 project shall be designed to collect recyclable materials and
426 create a more sustainable recycling system. Components of the
427 project shall be designed to increase convenience, incentivize
428 and measure participation, reduce material volume and assist in
429 achieving the recycling goals enumerated in s. 403.706.

430 Section 7. Subsection (9) of section 403.707, Florida
431 Statutes, is amended and a new subsection (15) is created to
432 read:

433 403.707 Permits.—



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434 (9) The department shall establish a separate category for
435 solid waste management facilities that accept only construction
436 and demolition debris for disposal or recycling. The department
437 shall establish a reasonable schedule for existing facilities to
438 comply with this section to avoid undue hardship to such
439 facilities. However, a permitted solid waste disposal unit that
440 receives a significant amount of waste prior to the compliance
441 deadline established in this schedule shall not be required to
442 be retrofitted with liners or leachate control systems.

443 (a) The department shall establish reasonable construction,
444 operation, monitoring, recordkeeping, financial assurance, and
445 closure requirements for such facilities. The department shall
446 take into account the nature of the waste accepted at various
447 facilities when establishing these requirements, and may impose
448 less stringent requirements, including a system of general
449 permits or registration requirements, for facilities that accept
450 only a segregated waste stream which is expected to pose a
451 minimal risk to the environment and public health, such as clean
452 debris. The Legislature recognizes that incidental amounts of
453 other types of solid waste are commonly generated at
454 construction or demolition projects. In any enforcement action
455 taken pursuant to this section, the department shall consider
456 the difficulty of removing these incidental amounts from the
457 waste stream.

458 (b) The department shall ~~not~~ require liners and leachate
459 collection systems at individual disposal units ~~facilities~~
460 constructed after July 1, 2010. ~~unless it demonstrates, based~~
461 ~~upon the types of waste received, the methods for controlling~~
462 ~~types of waste disposed of, the proximity of groundwater and~~



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463 ~~surface water, and the results of the hydrogeological and~~
464 ~~geotechnical investigations, that the facility is reasonably~~
465 ~~expected to result in violations of groundwater standards and~~
466 ~~criteria otherwise.~~

467 (c) The owner or operator shall provide financial assurance
468 for closing of the facility in accordance with the requirements
469 of s. 403.7125. The financial assurance shall cover the cost of
470 closing the facility and 5 years of long-term care after
471 closing, unless the department determines, based upon
472 hydrogeologic conditions, the types of wastes received, or the
473 groundwater monitoring results, that a different long-term care
474 period is appropriate. However, unless the owner or operator of
475 the facility is a local government, the escrow account described
476 in s. 403.7125(2) may not be used as a financial assurance
477 mechanism.

478 (d) The department shall establish training requirements
479 for operators of facilities, and shall work with the State
480 University System or other providers to assure that adequate
481 training courses are available. The department shall also assist
482 the Florida Home Builders Association in establishing a
483 component of its continuing education program to address proper
484 handling of construction and demolition debris, including best
485 management practices for reducing contamination of the
486 construction and demolition debris waste stream.

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

490 (f) A permit is not required under this section for the
491 disposal of construction and demolition debris on the property



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492 where it is generated, but such property must be covered,
493 graded, and vegetated as necessary when disposal is complete.

494 (g) By January 1, 2012, all construction and demolition
495 debris must be processed prior to disposal at a permitted
496 materials recovery facility or at a permitted disposal facility.
497 The facility must be designed and operated to separate and offer
498 for recycling at least 60 percent of the material accepted, and
499 must have a long-term plan to separate at least 75 percent of
500 the material accepted by December 31, 2020. This paragraph does
501 not apply to any materials that have been source separated and
502 offered for recycling. It is the policy of the Legislature to
503 encourage facilities to recycle. The department shall establish
504 criteria and guidelines that encourage recycling where practical
505 and provide for the use of recycled materials in a manner that
506 protects the public health and the environment. Facilities are
507 authorized to recycle, provided such activities do not conflict
508 with such criteria and guidelines.

509 (i)-(h) The department shall ensure that the requirements of
510 this section are applied and interpreted consistently throughout
511 the state. In accordance with s. 20.255, the Division of Waste
512 Management shall direct the district offices and bureaus on
513 matters relating to the interpretation and applicability of this
514 section.

515 (j)-(i) The department shall provide notice of receipt of a
516 permit application for the initial construction of a
517 construction and demolition debris disposal facility to the
518 local governments having jurisdiction where the facility is to
519 be located.

520 (k)-(j) The Legislature recognizes that recycling, waste



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521 reduction, and resource recovery are important aspects of an
522 integrated solid waste management program and as such are
523 necessary to protect the public health and the environment. If
524 necessary to promote such an integrated program, the county may
525 determine, after providing notice and an opportunity for a
526 hearing prior to April 30, 2008, that some or all of the
527 material described in s. 403.703(6) (b) shall be excluded from
528 the definition of "construction and demolition debris" in s.
529 403.703(6) within the jurisdiction of such county. The county
530 may make such a determination only if it finds that, prior to
531 June 1, 2007, the county has established an adequate method for
532 the use or recycling of such wood material at an existing or
533 proposed solid waste management facility that is permitted or
534 authorized by the department on June 1, 2007. The county is not
535 required to hold a hearing if the county represents that it
536 previously has held a hearing for such purpose, or if the county
537 represents that it previously has held a public meeting or
538 hearing that authorized such method for the use or recycling of
539 trash or other nonputrescible waste materials and that such
540 materials include those materials described in s. 403.703(6) (b).
541 The county shall provide written notice of its determination to
542 the department by no later than April 30, 2008; thereafter, the
543 materials described in s. 403.703(6) shall be excluded from the
544 definition of "construction and demolition debris" in s.
545 403.703(6) within the jurisdiction of such county. The county
546 may withdraw or revoke its determination at any time by
547 providing written notice to the department.

548 (1)~~(*)~~ Brazilian pepper and other invasive exotic plant
549 species as designated by the department resulting from



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550 eradication projects may be processed at permitted construction
551 and demolition debris recycling facilities or disposed of at
552 permitted construction and demolition debris disposal facilities
553 or Class III facilities. The department may adopt rules to
554 implement this paragraph.

555 (15) The department must, at a minimum, conduct at least
556 one unannounced inspection, on an annual basis, of each waste-
557 to-energy facility for the purposes of determining compliance
558 with permit conditions.

559 Section 8. Section 288.1185, Florida Statutes, is repealed.

560 Section 9. This act shall take effect July 1, 2010.

561