



551260

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 1/AD/2R	.	Floor: C
04/29/2010 04:27 PM	.	04/30/2010 01:00 PM
	.	

Senator Constantine moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (9) is added to section 288.9015,
Florida Statutes, to read:

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

(9) Enterprise Florida, Inc., shall provide technical assistance to the Department of Environmental Protection in the creation of the Recycling Business Assistance Center pursuant to s. 403.7032(5). As the state's primary organization devoted to statewide economic development, Enterprise Florida, Inc., is encouraged to cooperate with the Department of Environmental



551260

14 Protection to ensure that the Recycling Business Assistance
15 Center is positioned to succeed in helping to enhance and expand
16 existing markets for recyclable materials in this state, other
17 states, and foreign countries.

18 Section 2. Subsections (5) through (8) of section 403.44,
19 Florida Statutes, are renumbered as subsections (3) through (6),
20 respectively, and present subsections (3) and (4) of that
21 section are amended to read:

22 403.44 Florida Climate Protection Act.—

23 ~~(3) A major emitter shall be required to use The Climate~~
24 ~~Registry for purposes of emission registration and reporting.~~

25 ~~(4) The department shall establish the methodologies,~~
26 ~~reporting periods, and reporting systems that shall be used when~~
27 ~~major emitters report to The Climate Registry. The department~~
28 ~~may require the use of quality-assured data from continuous~~
29 ~~emissions monitoring systems.~~

30 Section 3. Section 403.7032, Florida Statutes, is amended
31 to read:

32 403.7032 Recycling.—

33 (1) The Legislature finds that the failure or inability to
34 economically recover material and energy resources from solid
35 waste results in the unnecessary waste and depletion of our
36 natural resources. As the state continues to grow, so will the
37 potential amount of discarded material that must be treated and
38 disposed of, necessitating the improvement of solid waste
39 collection and disposal. Therefore, the maximum recycling and
40 reuse of such resources are considered high-priority goals of
41 the state.

42 (2) By the year 2020, the long-term goal for the recycling



551260

43 efforts of state and local governmental entities, private
44 companies and organizations, and the general public is to
45 recycle at least 75 percent of the municipal solid waste that
46 would otherwise be ~~reduce the amount of recyclable solid waste~~
47 disposed of in waste management facilities, landfills, or
48 incineration facilities ~~by a statewide average of at least 75~~
49 ~~percent~~. However, any solid waste used for the production of
50 renewable energy shall count toward the long-term recycling goal
51 as set forth in this part ~~section~~.

52 (3) Each state agency, K-12 public school, public
53 institution of higher learning, community college, and state
54 university, including all buildings that are occupied by
55 municipal, county, or state employees and entities occupying
56 buildings managed by the Department of Management Services,
57 must, at a minimum, annually report all recycled materials to
58 the county using the department's designated reporting format.
59 Private businesses, other than certified recovered materials
60 dealers, that recycle paper, metals, glass, plastics, textiles,
61 rubber materials, and mulch, are encouraged to report the amount
62 of materials they recycle to the county annually beginning
63 January 1, 2011, using the department's designated reporting
64 format. Using the information provided, the department shall
65 recognize those private businesses that demonstrate outstanding
66 recycling efforts.

67
68 Notwithstanding any other provision of state or county law,
69 private businesses, other than certified recovered materials
70 dealers, shall not be required to report recycling rates. Cities
71 with less than a population of 2,500 and per capita taxable



551260

72 value less than \$48,000 and cities with a per capita taxable
73 value less than \$30,000 are exempt from the reporting
74 requirement specified in this paragraph.

75 (4)(3) The Department of Environmental Protection shall
76 develop a comprehensive recycling program that is designed to
77 achieve the percentage under subsection (2) and submit the
78 program to the President of the Senate and the Speaker of the
79 House of Representatives by January 1, 2010. The program may not
80 be implemented until approved by the Legislature. The program
81 must be developed in coordination with input from state and
82 local entities, private businesses, and the public. Under the
83 program, recyclable materials shall include, but are not limited
84 to, metals, paper, glass, plastic, textile, rubber materials,
85 and mulch. Components of the program shall include, but are not
86 limited to:

87 (a) Programs to identify environmentally preferable
88 purchasing practices to encourage the purchase of recycled,
89 durable, and less toxic goods. The Department of Management
90 Services shall modify its procurement system to report on green
91 and recycled products purchased through the system by September
92 30, 2011.

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

95 (c) Programs for statewide recognition of successful
96 recycling efforts by schools, businesses, public groups, and
97 private citizens.

98 (d) Programs for municipalities and counties to develop and
99 implement efficient recycling efforts to return valuable
100 materials to productive use, conserve energy, and protect



551260

101 natural resources.

102 (e) Programs by which the department can provide technical
103 assistance to municipalities and counties in support of their
104 recycling efforts.

105 (f) Programs to educate and train the public in proper
106 recycling efforts.

107 (g) Evaluation of how financial assistance can best be
108 provided to municipalities and counties in support of their
109 recycling efforts.

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

112 (5) The Department of Environmental Protection shall create
113 the Recycling Business Assistance Center by December 1, 2010. In
114 carrying out its duties under this subsection, the department
115 shall consult with state agency personnel appointed to serve as
116 economic development liaisons under s. 288.021 and seek
117 technical assistance from Enterprise Florida, Inc., to ensure
118 the Recycling Business Assistance Center is positioned to
119 succeed. The purpose of the center shall be to serve as the
120 mechanism for coordination among state agencies and the private
121 sector in order to coordinate policy and overall strategic
122 planning for developing new markets and expanding and enhancing
123 existing markets for recyclable materials in this state, other
124 states, and foreign countries. The duties of the center must
125 include, at a minimum:

126 (a) Identifying and developing new markets and expanding
127 and enhancing existing markets for recyclable materials.

128 (b) Pursuing expanded end uses for recycled materials.

129 (c) Targeting materials for concentrated market-development



551260

130 efforts.

131 (d) Developing proposals for new incentives for market
132 development, particularly focusing on targeted materials.

133 (e) Providing guidance on issues such as permitting,
134 finance options for recycling market development, site location,
135 research and development, grant program criteria for recycled
136 materials markets, recycling markets education and information,
137 and minimum content.

138 (f) Coordinating the efforts of various governmental
139 entities having market-development responsibilities in order to
140 optimize supply and demand for recyclable materials.

141 (g) Evaluating source-reduced products as they relate to
142 state procurement policy. The evaluation shall include, but is
143 not limited to, the environmental and economic impact of source-
144 reduced product purchases to the state. For the purposes of this
145 paragraph, the term "source-reduced" means any method, process,
146 product, or technology that significantly or substantially
147 reduces the volume or weight of a product while providing, at a
148 minimum, equivalent or generally similar performance and service
149 to and for the users of such materials.

150 (h) Providing evaluation of solid waste management grants,
151 pursuant to s. 403.7095, to reduce the flow of solid waste to
152 disposal facilities and encourage the sustainable recovery of
153 materials from Florida's waste stream.

154 (i) Providing below-market financing for companies that
155 manufacture products from recycled materials or convert
156 recyclable materials into raw materials for use in manufacturing
157 pursuant to the Florida Recycling Loan Program as administered
158 by the Florida First Capital Finance Corporation.



551260

159 (j) Maintaining a continuously updated online directory
160 listing the public and private entities that collect, transport,
161 broker, process, or remanufacture recyclable materials in the
162 state.

163 (k) Providing information on the availability and benefits
164 of using recycled materials to private entities and industries
165 in the state.

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

169 (m) Coordinating with the Agency for Workforce Innovation
170 and its partners to provide job-placement and job-training
171 services to job seekers through the state's workforce services
172 programs.

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

175 403.7046 Regulation of recovered materials.—

176 (1) Any person who handles, purchases, receives, recovers,
177 sells, or is an end user of recovered materials shall annually
178 certify to the department on forms provided by the department.
179 The department may by rule exempt from this requirement
180 generators of recovered materials; persons who handle or sell
181 recovered materials as an activity which is incidental to the
182 normal primary business activities of that person; or persons
183 who handle, purchase, receive, recover, sell, or are end users
184 of recovered materials in small quantities as defined by the
185 department. The department shall adopt rules for the
186 certification of and reporting by such persons and shall
187 establish criteria for revocation of such certification. ~~Prior~~



551260

188 ~~to the adoption of such rules, the department shall appoint a~~
189 ~~technical advisory committee of no more than nine persons,~~
190 ~~including, at a minimum, representatives of the Florida~~
191 ~~Association of Counties, the Florida League of Cities, the~~
192 ~~Florida Recyclers Association, and the Florida Chapter of the~~
193 ~~National Solid Waste Management Association, to aid in the~~
194 ~~development of such rules.~~ Such rules shall be designed to
195 elicit, at a minimum, the amount and types of recovered
196 materials handled by registrants, and the amount and disposal
197 site, or name of person with whom such disposal was arranged, of
198 any solid waste generated by such facility. By February 1 of
199 each year, registrants shall report all required information to
200 the department and to all counties from which it received
201 materials. Such rules may provide for the department to conduct
202 periodic inspections. The department may charge a fee of up to
203 \$50 for each registration, which shall be deposited into the
204 Solid Waste Management Trust Fund for implementation of the
205 program.

206 Section 5. Subsection (5) of section 403.7049, Florida
207 Statutes, is amended to read:

208 403.7049 Determination of full cost for solid waste
209 management; local solid waste management fees.—

210 (5) In order to assist in achieving the municipal solid
211 waste reduction goal and the recycling provisions of s.
212 403.706(2) ~~s. 403.706(4)~~, a county or a municipality which owns
213 or operates a solid waste management facility is hereby
214 authorized to charge solid waste disposal fees which may vary
215 based on a number of factors, including, but not limited to, the
216 amount, characteristics, and form of recyclable materials



551260

217 present in the solid waste that is brought to the county's or
218 the municipality's facility for processing or disposal.

219 Section 6. Paragraph (c) of subsection (2) and subsection
220 (3) of section 403.705, Florida Statutes, are amended, and
221 subsection (4) is added to that section, to read:

222 403.705 State solid waste management program.—

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

225 (c) Planning guidelines and technical assistance to
226 counties and municipalities to aid in meeting the municipal
227 solid waste recycling ~~reduction~~ goals established in s.
228 403.706(2) ~~s. 403.706(4)~~.

229 (3) The department shall ~~periodically seek information from~~
230 ~~counties to~~ evaluate and report biennially to the President of
231 the Senate and the Speaker of the House of Representatives on
232 the state's success in meeting the solid waste recycling
233 ~~reduction~~ goal as described in s. 403.706(2).

234 (4) The department shall adopt rules creating a voluntary
235 certification program for materials recovery facilities. The
236 certification criteria shall be based upon the amount and type
237 of materials recycled and the compliance record of the facility
238 and may vary depending on the location in the state and the
239 available markets for the materials that are processed. Any
240 materials recovery facility seeking certification shall file an
241 application to modify its permit, or shall include a
242 certification application as part of its original permit
243 application, which application shall not require an additional
244 fee. The department shall adopt a form for certification
245 applications, and shall require at least annual reports to



551260

246 verify the continued qualification for certification. In order
247 to assist in the development of the certification program, the
248 department shall appoint a technical advisory committee.

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

251 403.706 Local government solid waste responsibilities.—

252 (2) (a) Each county shall implement a recyclable materials
253 recycling program that shall have a goal of recycling recyclable
254 solid waste by 40 percent by December 31, 2012, 50 percent by
255 December 31, 2014, 60 percent by December 31, 2016, 70 percent
256 by December 31, 2018, and 75 percent by December 31, 2020.

257 Counties and municipalities are encouraged to form cooperative
258 arrangements for implementing recycling programs.

259 (b) In order to assist counties in attaining the goals set
260 forth in paragraph (a), the Legislature finds that the recycling
261 of construction and demolition debris fulfills an important
262 state interest. Therefore, each county must implement a program
263 for recycling construction and demolition debris.

264 (c) In accordance with applicable local government
265 ordinances, newly developed property receiving a certificate of
266 occupancy, or its equivalent, on or after July 1, 2012, that is
267 used for multifamily residential or commercial purposes, must
268 provide adequate space and an adequate receptacle for recycling
269 by tenants and owners of the property. This provision is limited
270 to counties and municipalities that have an established
271 residential, including multifamily, or commercial recycling
272 program that provides recycling receptacles to residences and
273 businesses and regular pick-up services for those receptacles.

274 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,



551260

275 the county, as determined by the department in accordance with
276 applicable rules, has not reached the recycling goals as set
277 forth in paragraph (a), the department may direct the county to
278 develop a plan to expand recycling programs to existing
279 commercial and multifamily dwellings, including, but not limited
280 to, apartment complexes.

281 (e) If the state's recycling rate for the 2013 calendar
282 year is below 40 percent, below 50 percent by January 1, 2015,
283 below 60 percent by January 1, 2017, below 70 percent by January
284 1, 2019, or below 75 percent by January 1, 2021, the department
285 shall provide a report to the President of the Senate and the
286 Speaker of the House of Representatives. The report shall
287 identify those additional programs or statutory changes needed
288 to achieve the goals set forth in paragraph (a). The report
289 shall be provided no later than 30 days prior to the beginning
290 of the Regular Session of the Legislature. The department is not
291 required to provide a report to the Legislature if the state
292 reaches its recycling goals as described in this paragraph.

293 (f) ~~(b)~~ Such programs shall be designed to recover a
294 significant portion of at least four of the following materials
295 from the solid waste stream prior to final disposal at a solid
296 waste disposal facility and to offer these materials for
297 recycling: newspaper, aluminum cans, steel cans, glass, plastic
298 bottles, cardboard, office paper, and yard trash. Local
299 governments which operate permitted waste-to-energy facilities
300 may retrieve ferrous and nonferrous metal as a byproduct of
301 combustion.

302 (g) ~~(e)~~ Local governments are encouraged to separate all
303 plastics, metal, and all grades of paper for recycling prior to



551260

304 final disposal and are further encouraged to recycle yard trash
305 and other mechanically treated solid waste into compost
306 available for agricultural and other acceptable uses.

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

310 ~~(d) By July 1, 2010, each county shall develop and~~
311 ~~implement a plan to achieve a goal to compost organic materials~~
312 ~~that would otherwise be disposed of in a landfill. The goal~~
313 ~~shall provide that up to 10 percent and no less than 5 percent~~
314 ~~of organic material would be composted within the county and the~~
315 ~~municipalities within its boundaries. The department may reduce~~
316 ~~or modify the compost goal if the county demonstrates to the~~
317 ~~department that achievement of the goal would be impractical~~
318 ~~given the county's unique demographic, urban density, or~~
319 ~~inability to separate normally compostable material from the~~
320 ~~solid waste stream. The composting plan is encouraged to address~~
321 ~~partnership with the private sector.~~

322 (i) (e) Each county is encouraged to consider plans for
323 composting or mulching organic materials that would otherwise be
324 disposed of in a landfill. The composting or mulching plans are
325 encouraged to address partnership with the private sector.

326 (4) (a) In order to promote the production of renewable
327 energy from solid waste, each megawatt-hour produced by a
328 renewable energy facility using solid waste as a fuel shall
329 count as 1 ton of recycled material and shall be applied toward
330 meeting the recycling goals set forth in this section. If a
331 county creating renewable energy from solid waste implements and
332 maintains a program to recycle at least 50 percent of municipal



551260

333 solid waste by a means other than creating renewable energy,
334 that county shall count 2 tons of recycled material for each
335 megawatt-hour produced. If waste originates from a county other
336 than the county in which the renewable energy facility resides,
337 the originating county shall receive such recycling credit. Any
338 county that has a debt service payment related to its waste-to-
339 energy facility shall receive 1 ton of recycled materials credit
340 for each ton of solid waste processed at the facility. Any
341 byproduct resulting from the creation of renewable energy does
342 not count as waste. A county's solid waste management and
343 recycling programs shall be designed to provide for sufficient
344 reduction of the amount of solid waste generated within the
345 county and the municipalities within its boundaries in order to
346 meet goals for the reduction of municipal solid waste prior to
347 the final disposal or the incineration of such waste at a solid
348 waste disposal facility. The goals shall provide, at a minimum,
349 that the amount of municipal solid waste that would be disposed
350 of within the county and the municipalities within its
351 boundaries is reduced by at least 30 percent.

352 (b) A county may receive credit for one-half of the
353 recycling goal set forth in subsection (2) for waste reduction
354 from the use of yard trash, or other clean wood waste or paper
355 waste, in innovative programs including, but not limited to,
356 programs that produce alternative clean-burning fuels such as
357 ethanol or that provide for the conversion of yard trash or
358 other clean wood waste or paper waste to clean-burning fuel for
359 the production of energy for use at facilities other than a
360 waste-to-energy facility as defined in s. 403.7061. The
361 provisions of this paragraph apply only if a county can



551260

362 demonstrate that:

363 1. The county has implemented a yard trash mulching or
364 composting program, and

365 2. As part of the program, compost and mulch made from yard
366 trash is available to the general public and in use at county-
367 owned or maintained and municipally owned or maintained
368 facilities in the county and state agencies operating in the
369 county as required by this section.

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

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

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

380 2. Provides a public education and promotion program that
381 is conducted to inform its residents of the opportunity to
382 recycle, encourages source separation of recyclable materials,
383 and promotes the benefits of reducing, reusing, recycling, and
384 composting materials.

385 (6) The department may reduce or modify the municipal solid
386 waste recycling reduction goal that a county is required to
387 achieve pursuant to subsection (2) ~~(4)~~ if the county
388 demonstrates to the department that:

389 (a) The achievement of the goal set forth in subsection (2)
390 ~~(4)~~ would have an adverse effect on the financial obligations of



551260

391 a county that are directly related to a waste-to-energy facility
392 owned or operated by or on behalf of the county; and

393 (b) The county cannot remove normally combustible materials
394 from solid waste that is to be processed at a waste-to-energy
395 facility because of the need to maintain a sufficient amount of
396 solid waste to ensure the financial viability of the facility.
397

398 The goal shall not be waived entirely and may only be
399 reduced or modified to the extent necessary to alleviate the
400 adverse effects of achieving the goal on the financial viability
401 of a county's waste-to-energy facility. Nothing in this
402 subsection shall exempt a county from developing and
403 implementing a recycling program pursuant to this act.

404 (7) In order to assess the progress in meeting the goal set
405 forth ~~established~~ in subsection (2) ~~(4)~~, each county shall, by
406 April 1 ~~November~~ each year, provide information to the
407 department regarding its annual solid waste management program
408 and recycling activities.

409 (a) The information submitted to the department by the
410 county must, at a minimum, include:

411 1. ~~(a)~~ The amount of municipal solid waste disposed of at
412 solid waste disposal facilities, by type of waste such as yard
413 trash, white goods, clean debris, tires, and unseparated solid
414 waste;

415 2. ~~(b)~~ The amount and type of materials from the municipal
416 solid waste stream that were recycled; and

417 3. ~~(c)~~ The percentage of the population participating in
418 various types of recycling activities instituted.

419 (b) Beginning with the data for the 2012 calendar year, the



551260

420 department shall by July 1 each year post on its website the
421 recycling rates of each county for the prior calendar year.

422 (21) Local governments are authorized to enact ordinances
423 that require and direct all residential properties, multifamily
424 dwelling, and apartment complexes and industrial, commercial,
425 and institutional establishments as defined by the local
426 government to establish programs for the separation of
427 recyclable materials designated by the local government, which
428 recyclable materials are specifically intended for purposes of
429 recycling and for which a market exists, and to provide for
430 their collection. Such ordinances may include, but are not
431 limited to, provisions that prohibit any person from knowingly
432 disposing of recyclable materials designated by the local
433 government and that ensure the collection of recovered materials
434 as necessary to protect public health and safety.

435 Section 8. Paragraphs (d) through (i) of subsection (3) of
436 section 403.7061, Florida Statutes, are redesignated as
437 paragraphs (c) through (h), respectively, and present paragraph
438 (c) of that subsection is amended to read:

439 403.7061 Requirements for review of new waste-to-energy
440 facility capacity by the Department of Environmental
441 Protection.—

442 (3) An applicant must provide reasonable assurance that the
443 construction of a new waste-to-energy facility or the expansion
444 of an existing waste-to-energy facility will comply with the
445 following criteria:

446 ~~(c) The county in which the facility is located has~~
447 ~~implemented and maintains a solid waste management and recycling~~
448 ~~program that is designed to achieve the waste reduction goal set~~



551260

449 ~~forth in s. 403.706(4). For the purposes of this section, the~~
450 ~~provisions of s. 403.706(4)(c) for counties having populations~~
451 ~~of 100,000 or fewer do not apply.~~

452 Section 9. Paragraph (g) of subsection (9) of section
453 403.707, Florida Statutes, is amended to read:

454 403.707 Permits.—

455 (9) The department shall establish a separate category for
456 solid waste management facilities that accept only construction
457 and demolition debris for disposal or recycling. The department
458 shall establish a reasonable schedule for existing facilities to
459 comply with this section to avoid undue hardship to such
460 facilities. However, a permitted solid waste disposal unit that
461 receives a significant amount of waste prior to the compliance
462 deadline established in this schedule shall not be required to
463 be retrofitted with liners or leachate control systems.

464 (g) By January 1, 2012, the amount of construction and
465 demolition debris processed and recycled prior to disposal at a
466 permitted materials recovery facility or at any other permitted
467 disposal facility shall be reported by the county of origin to
468 the department and to the county on an annual basis in
469 accordance with rules adopted by the department. The rules shall
470 establish criteria to ensure accurate and consistent reporting
471 for purposes of determining the recycling rate in s. 403.706 and
472 shall also require that, to the extent economically feasible,
473 all construction and demolition debris must be processed prior
474 to disposal, either at a permitted materials recovery facility
475 or at a permitted disposal facility. This paragraph does not
476 apply to recovered materials, any materials that have been
477 source separated and offered for recycling, or materials that



551260

478 ~~have been previously processed. It is the policy of the~~
479 ~~Legislature to encourage facilities to recycle. The department~~
480 ~~shall establish criteria and guidelines that encourage recycling~~
481 ~~where practical and provide for the use of recycled materials in~~
482 ~~a manner that protects the public health and the environment.~~
483 ~~Facilities are authorized to recycle, provided such activities~~
484 ~~do not conflict with such criteria and guidelines.~~

485 Section 10. Paragraph (e) of subsection (1) of section
486 403.709, Florida Statutes, is amended to read:

487 403.709 Solid Waste Management Trust Fund; use of waste
488 tire fees.—There is created the Solid Waste Management Trust
489 Fund, to be administered by the department.

490 (1) From the annual revenues deposited in the trust fund,
491 unless otherwise specified in the General Appropriations Act:

492 (e) A minimum of 40 percent shall be used for funding a
493 solid waste management ~~competitive and innovative~~ grant program
494 pursuant to s. 403.7095 for activities relating to recycling and
495 waste reduction, including waste tires requiring final disposal.

496 Section 11. Section 403.7095, Florida Statutes, is amended
497 to read:

498 403.7095 Solid waste management grant program.—

499 ~~(1) The department shall develop a competitive and~~
500 ~~innovative grant program for counties, municipalities, special~~
501 ~~districts, and nonprofit organizations that have legal~~
502 ~~responsibility for the provision of solid waste management~~
503 ~~services. For purposes of this program, "innovative" means that~~
504 ~~the process, technology, or activity for which funding is sought~~
505 ~~has not previously been implemented within the jurisdiction of~~
506 ~~the applicant. The applicant must:~~



551260

507 ~~(a) Demonstrate technologies or processes that represent a~~
508 ~~novel application of an existing technology or process to~~
509 ~~recycle or reduce waste, or that overcome obstacles to recycling~~
510 ~~or waste reduction in new or innovative ways;~~

511 ~~(b) Demonstrate innovative processes to collect and recycle~~
512 ~~or reduce materials targeted by the department and the recycling~~
513 ~~industry; or~~

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

518
519 ~~Because the Legislature recognizes that input from the~~
520 ~~recycling industry is essential to the success of this grant~~
521 ~~program, the department shall cooperate with private sector~~
522 ~~entities to develop a process and define specific criteria for~~
523 ~~allowing their participation with grant recipients.~~

524 ~~(2) The department shall evaluate and prioritize the annual~~
525 ~~grant proposals and present the annual prioritized list of~~
526 ~~projects to be funded to the Governor and the Legislature as~~
527 ~~part of its annual budget request submitted pursuant to chapter~~
528 ~~216. Potential grant recipients are encouraged to demonstrate~~
529 ~~local support for grant proposals by the commitment of cash or~~
530 ~~in-kind matching funds.~~

531 ~~(1)-(3)~~ The department shall develop a consolidated grant
532 program for small counties having populations fewer than
533 100,000, with grants to be distributed equally among eligible
534 counties. Programs to be supported with the small-county
535 consolidated grants include general solid waste management,



551260

536 litter prevention and control, and recycling and education
537 programs.

538 (2)~~(4)~~ The department shall develop a waste tire grant
539 program making grants available to all counties. The department
540 shall ensure that at least 25 percent of the funding available
541 for waste tire grants is distributed equally to each county
542 having a population fewer than 100,000. Of the remaining funds
543 distributed to counties having a population of 100,000 or
544 greater, the department shall distribute those funds on the
545 basis of population.

546 (3)~~(5)~~ From the funds made available pursuant to s.
547 403.709(1)(e) for the grant program created by this section, the
548 following distributions shall be made:

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

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

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

555 (4)~~(6)~~ The department may adopt rules necessary to
556 administer this section, including, but not limited to, rules
557 governing timeframes for submitting grant applications, criteria
558 for prioritizing, matching criteria, maximum grant amounts, and
559 allocation of appropriated funds based upon project and
560 applicant size.

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



551260

565 ~~100,000 for waste tire and litter prevention, recycling~~
566 ~~education, and general solid waste programs. This subsection~~
567 ~~expires July 1, 2010.~~

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

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

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

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

578 Section 12. Subsection (1) of section 403.7145, Florida
579 Statutes, is amended, and subsection (3) is added to that
580 section, to read:

581 403.7145 Recycling.—

582 (1) The Capitol and the House and Senate office buildings
583 constitute the Capitol recycling area. The Florida House of
584 Representatives, the Florida Senate, and the Office of the
585 Governor, the Secretary of State, and each Cabinet officer who
586 heads a department that occupies office space in the Capitol,
587 shall institute a recycling program for their respective offices
588 in the House and Senate office buildings and the Capitol.

589 Provisions shall be made to collect and sell wastepaper and
590 empty ~~aluminum~~ beverage containers ~~cans~~ generated by employee
591 activities in these offices. The collection and sale of such
592 materials shall be reported to Leon County using the
593 department's designated reporting format and coordinated with



551260

594 Department of Management Services recycling activities to
595 maximize the efficiency and economy of this program. The
596 Governor, the Speaker of the House of Representatives, the
597 President of the Senate, the Secretary of State, and the Cabinet
598 officers may authorize the use of proceeds from recyclable
599 material sales for employee benefits and other purposes, in
600 order to provide incentives to their respective employees for
601 participation in the recycling program. Such proceeds may also
602 be used to offset any costs of the recycling program. As a
603 demonstration of leading by example, the Capitol Building's
604 recycling rates shall be posted on the website of the Department
605 of Management Services and shall include the details of the
606 recycling rates for each Department of Management Services pool
607 facility. The Department of Environmental Protection shall post
608 recycling rates of each state-owned facility reported to the
609 Department of Management Services.

610 (3) The department shall develop and contract for an
611 innovative recycling pilot project for the Capitol recycling
612 area. The project shall be designed to collect recyclable
613 materials and create a more sustainable recycling system.
614 Components of the project shall be designed to increase
615 convenience, incentivize and measure participation, reduce
616 material volume, and assist in achieving the recycling goals
617 enumerated in s. 403.706.

618 Section 13. Paragraph (m) is added to subsection (1) of
619 section 553.77, Florida Statutes, to read:

620 553.77 Specific powers of the commission.—

621 (1) The commission shall:

622 (m) Develop recommendations that increase residential and



551260

623 commercial recycling and composting and strongly encourage the
624 use of recyclable materials and the recycling of construction
625 and demolition debris.

626 Section 14. Section 288.1185, Florida Statutes, is
627 repealed.

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

629
630 ===== T I T L E A M E N D M E N T =====

631 And the title is amended as follows:

632 Delete everything before the enacting clause
633 and insert:

634 A bill to be entitled

635 An act relating to environmental control; amending s.
636 288.9015, F.S.; requiring Enterprise Florida, Inc., to provide
637 technical assistance to the Department of Environmental
638 Protection in the creation of the Recycling Business Assistance
639 Center; amending s. 403.44, F.S.; eliminating a greenhouse gas
640 registration and reporting requirement for major emitters;
641 eliminating a requirement for the Department of Environmental
642 Protection to establish methodologies, reporting periods, and
643 reporting systems relating to greenhouse gas emissions; amending
644 s. 403.7032, F.S.; requiring all public entities and those
645 entities occupying buildings managed by the Department of
646 Management Services to report recycling data; providing
647 exceptions; encouraging certain private entities to report the
648 disposal of recyclable materials; requiring the Department of
649 Management Services to report on green and recycled products
650 purchased through its procurement system; directing the
651 Department of Environmental Protection to create the Recycling



551260

652 Business Assistance Center; providing requirements for the
653 center; amending s. 403.7046, F.S., relating to regulation of
654 recovered materials; deleting a requirement that the Department
655 of Environmental Protection appoint a technical advisory
656 committee; revising reporting requirements; amending s.
657 403.7049, F.S.; conforming a cross-reference; amending s.
658 403.705, F.S.; conforming a cross-reference; requiring that the
659 Department of Environmental Protection report biennially to the
660 Legislature on the state's success in meeting solid waste
661 reduction goals; providing for the creation of a voluntary
662 recyclers certification program; amending s. 403.706, F.S.;
663 requiring counties to meet specific recycling benchmarks;
664 providing legislative intent; requiring certain multifamily
665 residential and commercial properties to make certain provisions
666 for recycling receptacles; providing applicability; authorizing
667 the Department of Environmental Protection to require counties
668 to develop a plan to expand recycling programs under certain
669 conditions; requiring the Department of Environmental Protection
670 to provide a report to the Legislature if a specified recycling
671 rate is not met; eliminating a requirement that counties develop
672 composting goals; providing for waste-to-energy production to be
673 applied toward meeting recycling benchmarks; providing
674 exceptions; providing deadlines for the reporting of recycling
675 data; amending s. 403.7061, F.S.; revising requirements for
676 review of new waste-to-energy facility capacity by the
677 Department of Environmental Protection; amending s. 403.707,
678 F.S.; establishing recycling rates for source-separation
679 activities; providing an exception; amending s. 403.709, F.S.;
680 conforming a cross-reference; amending s. 403.7095, F.S.;



551260

681 revising provisions relating to the solid waste management grant
682 program; deleting provisions requiring the Department of
683 Environmental Protection to develop a competitive and innovative
684 grant program for certain counties, municipalities, special
685 districts, and nonprofit organizations; deleting application
686 requirements for such grant program; deleting a requirement for
687 the Department of Environmental Protection to evaluate and
688 prioritize grant proposals for inclusion in its annual budget
689 request; revising the distribution of funds for the small-county
690 consolidated grant program; deleting obsolete provisions;
691 amending s. 403.7145, F.S.; revising recycling requirements for
692 certain state buildings; providing for a pilot project for the
693 Capitol recycling area; amending s. 533.77, F.S.; requiring the
694 Florida Building Commission to develop specified recommendations
695 relating to recycling and composting and the use of recyclable
696 materials; repealing s. 288.1185, F.S., relating to the
697 Recycling Markets Advisory Committee; providing an effective
698 date.