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1 A bill to be entitled
2 An act relating to environmental control; amending s.
3 288.9015, F.S.; requiring Enterprise Florida, Inc., to
4 provide technical assistance to the Department of
5 Environmental Protection in the creation of the Recycling
6 Business Assistance Center; amending s. 403.44, F.S.;
7 eliminating a greenhouse gas registration and reporting
8 requirement for major emitters; eliminating a requirement
9 for the Department of Environmental Protection to
10 establish methodologies, reporting periods, and reporting
11 systems relating to greenhouse gas emissions; amending s.
12 403.7032, F.S.; requiring all public entities and those
13 entities occupying buildings managed by the Department of
14 Management Services to report recycling data; providing
15 exceptions; encouraging certain private entities to report
16 the disposal of recyclable materials; requiring the
17 Department of Management Services to report on green and
18 recycled products purchased through its procurement
19 system; directing the Department of Environmental
20 Protection to create the Recycling Business Assistance
21 Center; providing requirements for the center; amending s.
22 403.7046, F.S., relating to regulation of recovered
23 materials; deleting a requirement that the Department of
24 Environmental Protection appoint a technical advisory
25 committee; revising reporting requirements; amending s.
26 403.7049, F.S.; conforming a cross-reference; amending s.
27 403.705, F.S.; conforming a cross-reference; requiring
28 that the Department of Environmental Protection report

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29 | biennially to the Legislature on the state's success in
30 | meeting solid waste reduction goals; amending s. 403.706,
31 | F.S.; requiring counties to meet specific recycling
32 | benchmarks; providing legislative intent; requiring
33 | certain multifamily residential and commercial properties
34 | to provide recycling receptacles; authorizing the
35 | Department of Environmental Protection to require counties
36 | to develop a plan to expand recycling programs under
37 | certain conditions; requiring the Department of
38 | Environmental Protection to provide a report to the
39 | Legislature if a specified recycling rate is not met;
40 | eliminating a requirement that counties develop composting
41 | goals; providing for waste-to-energy production to be
42 | applied toward meeting recycling benchmarks; providing
43 | exceptions; providing deadlines for the reporting of
44 | recycling data; amending s. 403.7061, F.S.; revising
45 | requirements for review of new waste-to-energy facility
46 | capacity by the Department of Environmental Protection;
47 | amending s. 403.707, F.S.; requiring liners for new
48 | construction and demolition debris landfills; establishing
49 | recycling rates for source-separation activities;
50 | providing an exception; amending s. 403.709, F.S.;
51 | conforming a cross-reference; amending s. 403.7095, F.S.;
52 | revising provisions relating to the solid waste management
53 | grant program; deleting provisions requiring the
54 | Department of Environmental Protection to develop a
55 | competitive and innovative grant program for certain
56 | counties, municipalities, special districts, and nonprofit

57 organizations; deleting application requirements for such
 58 grant program; deleting a requirement for the Department
 59 of Environmental Protection to evaluate and prioritize
 60 grant proposals for inclusion in its annual budget
 61 request; revising the distribution of funds for the small-
 62 county consolidated grant program; deleting obsolete
 63 provisions; amending s. 403.7145, F.S.; revising recycling
 64 requirements for certain state buildings; providing for a
 65 pilot project for the Capitol recycling area; requiring
 66 each public airport in the state to collect aluminum
 67 beverage cans and recyclable plastic and glass from the
 68 entities doing business at the airport and to offer such
 69 materials for recycling; amending s. 533.77, F.S.;
 70 requiring the Florida Building Commission to develop
 71 specified recommendations relating to recycling and
 72 composting and the use of recyclable materials; repealing
 73 s. 288.1185, F.S., relating to the Recycling Markets
 74 Advisory Committee; providing an effective date.

75
 76 Be It Enacted by the Legislature of the State of Florida:

77
 78 Section 1. Subsection (9) is added to section 288.9015,
 79 Florida Statutes, to read:

80 288.9015 Enterprise Florida, Inc.; purpose; duties.—

81 (9) Enterprise Florida, Inc., shall provide technical
 82 assistance to the Department of Environmental Protection in the
 83 creation of the Recycling Business Assistance Center pursuant to
 84 s. 403.7032(5). As the state's primary organization devoted to

85 statewide economic development, Enterprise Florida, Inc., is
 86 encouraged to cooperate with the Department of Environmental
 87 Protection to ensure that the Recycling Business Assistance
 88 Center is positioned to succeed in helping to enhance and expand
 89 existing markets for recyclable materials in this state, other
 90 states, and foreign countries.

91 Section 2. Subsections (5) through (8) of section 403.44,
 92 Florida Statutes, are renumbered as subsections (3) through (6),
 93 respectively, and present subsections (3) and (4) of that
 94 section are amended to read:

95 403.44 Florida Climate Protection Act.—

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

98 ~~(4) The department shall establish the methodologies,~~
 99 ~~reporting periods, and reporting systems that shall be used when~~
 100 ~~major emitters report to The Climate Registry. The department~~
 101 ~~may require the use of quality-assured data from continuous~~
 102 ~~emissions monitoring systems.~~

103 Section 3. Section 403.7032, Florida Statutes, is amended
 104 to read:

105 403.7032 Recycling.—

106 (1) The Legislature finds that the failure or inability to
 107 economically recover material and energy resources from solid
 108 waste results in the unnecessary waste and depletion of our
 109 natural resources. As the state continues to grow, so will the
 110 potential amount of discarded material that must be treated and
 111 disposed of, necessitating the improvement of solid waste
 112 collection and disposal. Therefore, the maximum recycling and

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113 reuse of such resources are considered high-priority goals of
114 the state.

115 (2) By the year 2020, the long-term goal for the recycling
116 efforts of state and local governmental entities, private
117 companies and organizations, and the general public is to
118 recycle at least 75 percent of the municipal solid waste that
119 would otherwise be ~~reduce the amount of recyclable solid waste~~
120 disposed of in waste management facilities, landfills, or
121 incineration facilities ~~by a statewide average of at least 75~~
122 ~~percent~~. However, any solid waste used for the production of
123 renewable energy shall count toward the long-term recycling goal
124 as set forth in this part ~~section~~.

125 (3) All state agencies, K-12 public schools, public
126 institutions of higher learning, community colleges, and state
127 universities, all municipal, county, or other state entities
128 whose employees occupy buildings not owned by the municipality,
129 county, or state, and all entities occupying buildings that are
130 managed by the Department of Management Services must, at a
131 minimum, annually report all recycled materials to the county
132 using the department's designated reporting format. This
133 subsection does not apply to a fiscally constrained county, as
134 defined in s. 218.67(1), or to a municipality of special
135 financial concern, as defined in s. 200.185(1)(b), with a per
136 capita taxable value of assessed property that does not exceed
137 \$58,000 or to any municipality with a population under 20,000
138 and a per capita taxable value of assessed property that does
139 not exceed \$46,000. Private businesses, other than certified
140 recovered materials dealers, that recycle paper, metals, glass,

141 plastics, textiles, rubber materials, and mulch are encouraged
 142 to annually report the amount of materials they recycle to the
 143 county beginning January 1, 2011, using the department's
 144 designated reporting format. Using the information provided, the
 145 department shall recognize those private businesses that
 146 demonstrate outstanding recycling efforts. Notwithstanding any
 147 other provision of state or local law, private businesses, other
 148 than certified recovered materials dealers, are not required to
 149 report recycling rates.

150 ~~(4)(3)~~ The Department of Environmental Protection shall
 151 develop a comprehensive recycling program that is designed to
 152 achieve the percentage under subsection (2) and submit the
 153 program to the President of the Senate and the Speaker of the
 154 House of Representatives by January 1, 2010. The program may not
 155 be implemented until approved by the Legislature. The program
 156 must be developed in coordination with input from state and
 157 local entities, private businesses, and the public. Under the
 158 program, recyclable materials shall include, but are not limited
 159 to, metals, paper, glass, plastic, textile, rubber materials,
 160 and mulch. Components of the program shall include, but are not
 161 limited to:

162 (a) Programs to identify environmentally preferable
 163 purchasing practices to encourage the purchase of recycled,
 164 durable, and less toxic goods. The Department of Management
 165 Services shall modify its procurement system to report on green
 166 and recycled products purchased through the system by September
 167 30, 2011.

168 (b) Programs to educate students in grades K-12 in the

169 benefits of, and proper techniques for, recycling.

170 (c) Programs for statewide recognition of successful
 171 recycling efforts by schools, businesses, public groups, and
 172 private citizens.

173 (d) Programs for municipalities and counties to develop
 174 and implement efficient recycling efforts to return valuable
 175 materials to productive use, conserve energy, and protect
 176 natural resources.

177 (e) Programs by which the department can provide technical
 178 assistance to municipalities and counties in support of their
 179 recycling efforts.

180 (f) Programs to educate and train the public in proper
 181 recycling efforts.

182 (g) Evaluation of how financial assistance can best be
 183 provided to municipalities and counties in support of their
 184 recycling efforts.

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

187 (5) The Department of Environmental Protection shall
 188 create the Recycling Business Assistance Center by December 1,
 189 2010. In carrying out its duties under this subsection, the
 190 department shall consult with state agency personnel appointed
 191 to serve as economic development liaisons under s. 288.021 and
 192 seek technical assistance from Enterprise Florida, Inc., to
 193 ensure the Recycling Business Assistance Center is positioned to
 194 succeed. The purpose of the center shall be to serve as the
 195 mechanism for coordination among state agencies and the private
 196 sector in order to coordinate policy and overall strategic

197 planning for developing new markets and expanding and enhancing
 198 existing markets for recyclable materials in this state, other
 199 states, and foreign countries. The duties of the center must
 200 include, at a minimum:

201 (a) Identifying and developing new markets and expanding
 202 and enhancing existing markets for recyclable materials.

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

204 (c) Targeting materials for concentrated market-
 205 development efforts.

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

208 (e) Providing guidance on issues such as permitting,
 209 finance options for recycling market development, site location,
 210 research and development, grant program criteria for recycled
 211 materials markets, recycling markets education and information,
 212 and minimum content.

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

216 (g) Evaluating source-reduced products as they relate to
 217 state procurement policy. The evaluation shall include, but is
 218 not limited to, the environmental and economic impact of source-
 219 reduced product purchases to the state. For the purposes of this
 220 paragraph, the term "source-reduced" means any method, process,
 221 product, or technology that significantly or substantially
 222 reduces the volume or weight of a product while providing, at a
 223 minimum, equivalent or generally similar performance and service
 224 to and for the users of such materials.

225 (h) Providing evaluation of solid waste management grants,
 226 pursuant to s. 403.7095, to reduce the flow of solid waste to
 227 disposal facilities and encourage the sustainable recovery of
 228 materials from Florida's waste stream.

229 (i) Providing below-market financing for companies that
 230 manufacture products from recycled materials or convert
 231 recyclable materials into raw materials for use in manufacturing
 232 pursuant to the Florida Recycling Loan Program as administered
 233 by the Florida First Capital Finance Corporation.

234 (j) Maintaining a continuously updated online directory
 235 listing the public and private entities that collect, transport,
 236 broker, process, or remanufacture recyclable materials in the
 237 state.

238 (k) Providing information on the availability and benefits
 239 of using recycled materials to private entities and industries
 240 in the state.

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

244 (m) Coordinating with the Agency for Workforce Innovation
 245 and its partners to provide job-placement and job-training
 246 services to job seekers through the state's workforce services
 247 programs.

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

250 403.7046 Regulation of recovered materials.—

251 (1) Any person who handles, purchases, receives, recovers,
 252 sells, or is an end user of recovered materials shall annually

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253 certify to the department on forms provided by the department.
254 The department may by rule exempt from this requirement
255 generators of recovered materials; persons who handle or sell
256 recovered materials as an activity which is incidental to the
257 normal primary business activities of that person; or persons
258 who handle, purchase, receive, recover, sell, or are end users
259 of recovered materials in small quantities as defined by the
260 department. The department shall adopt rules for the
261 certification of and reporting by such persons and shall
262 establish criteria for revocation of such certification. ~~Prior~~
263 ~~to the adoption of such rules, the department shall appoint a~~
264 ~~technical advisory committee of no more than nine persons,~~
265 ~~including, at a minimum, representatives of the Florida~~
266 ~~Association of Counties, the Florida League of Cities, the~~
267 ~~Florida Recyclers Association, and the Florida Chapter of the~~
268 ~~National Solid Waste Management Association, to aid in the~~
269 ~~development of such rules.~~ Such rules shall be designed to
270 elicit, at a minimum, the amount and types of recovered
271 materials handled by registrants, and the amount and disposal
272 site, or name of person with whom such disposal was arranged, of
273 any solid waste generated by such facility. By February 1 of
274 each year, registrants shall report all required information to
275 the department and to all counties from which it received
276 materials. Such rules may provide for the department to conduct
277 periodic inspections. The department may charge a fee of up to
278 \$50 for each registration, which shall be deposited into the
279 Solid Waste Management Trust Fund for implementation of the
280 program.

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

283 403.7049 Determination of full cost for solid waste
 284 management; local solid waste management fees.—

285 (5) In order to assist in achieving the municipal solid
 286 waste reduction goal and the recycling provisions of s.
 287 403.706(2) ~~s. 403.706(4)~~, a county or a municipality which owns
 288 or operates a solid waste management facility is hereby
 289 authorized to charge solid waste disposal fees which may vary
 290 based on a number of factors, including, but not limited to, the
 291 amount, characteristics, and form of recyclable materials
 292 present in the solid waste that is brought to the county's or
 293 the municipality's facility for processing or disposal.

294 Section 6. Paragraph (c) of subsection (2) and subsection
 295 (3) of section 403.705, Florida Statutes, are amended to read:

296 403.705 State solid waste management program.—

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

299 (c) Planning guidelines and technical assistance to
 300 counties and municipalities to aid in meeting the municipal
 301 solid waste reduction goals established in s. 403.706(2) ~~s.~~
 302 ~~403.706(4)~~.

303 (3) The department shall ~~periodically seek information~~
 304 ~~from counties to~~ evaluate and report biennially to the President
 305 of the Senate and the Speaker of the House of Representatives on
 306 the state's success in meeting the solid waste reduction goal as
 307 described in s. 403.706(2).

308 Section 7. Subsections (2), (4), (6), (7), and (21) of

309 section 403.706, Florida Statutes, are amended to read:

310 403.706 Local government solid waste responsibilities.—

311 (2) (a) Each county shall implement a recyclable materials
 312 recycling program that shall have a goal of recycling recyclable
 313 solid waste by 40 percent by December 31, 2012, 50 percent by
 314 December 31, 2014, 60 percent by December 31, 2016, 70 percent
 315 by December 31, 2018, and 75 percent by December 31, 2020.

316 Counties and municipalities are encouraged to form cooperative
 317 arrangements for implementing recycling programs.

318 (b) In order to assist counties in attaining the goals set
 319 forth in paragraph (a), the Legislature finds that the recycling
 320 of construction and demolition debris fulfills an important
 321 state interest. Therefore, each county must implement a program
 322 for recycling construction and demolition debris.

323 (c) All commercial and multifamily construction projects,
 324 including, but not limited to, apartment complexes, which begin
 325 construction on or after July 1, 2010, where counties provide
 326 litter receptacles, must provide an opportunity for the tenants
 327 and owners to recycle, including, if necessary, designated space
 328 for the placement of recycling receptacles.

329 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,
 330 the county, as determined by the department in accordance with
 331 applicable rules, has not reached the recycling goals as set
 332 forth in paragraph (a), the department may direct the county to
 333 develop a plan to expand recycling programs to existing
 334 commercial and multifamily dwellings, including, but not limited
 335 to, apartment complexes.

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

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337 year is below 40 percent, below 50 percent by January 1, 2015,
338 below 60 percent by January 1, 2017, below 70 percent by January
339 1, 2019, or below 75 percent by January 1, 2021, the department
340 shall provide a report to the President of the Senate and the
341 Speaker of the House of Representatives. The report shall
342 identify those additional programs or statutory changes needed
343 to achieve the goals set forth in paragraph (a). The report
344 shall be provided no later than 30 days prior to the beginning
345 of the Regular Session of the Legislature. The department is not
346 required to provide a report to the Legislature if the state
347 reaches its recycling goals as described in this paragraph.

348 (f) ~~(b)~~ Such programs shall be designed to recover a
349 significant portion of at least four of the following materials
350 from the solid waste stream prior to final disposal at a solid
351 waste disposal facility and to offer these materials for
352 recycling: newspaper, aluminum cans, steel cans, glass, plastic
353 bottles, cardboard, office paper, and yard trash. Local
354 governments which operate permitted waste-to-energy facilities
355 may retrieve ferrous and nonferrous metal as a byproduct of
356 combustion.

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

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

365 ~~(d) By July 1, 2010, each county shall develop and~~
 366 ~~implement a plan to achieve a goal to compost organic materials~~
 367 ~~that would otherwise be disposed of in a landfill. The goal~~
 368 ~~shall provide that up to 10 percent and no less than 5 percent~~
 369 ~~of organic material would be composted within the county and the~~
 370 ~~municipalities within its boundaries. The department may reduce~~
 371 ~~or modify the compost goal if the county demonstrates to the~~
 372 ~~department that achievement of the goal would be impractical~~
 373 ~~given the county's unique demographic, urban density, or~~
 374 ~~inability to separate normally compostable material from the~~
 375 ~~solid waste stream. The composting plan is encouraged to address~~
 376 ~~partnership with the private sector.~~

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

381 (4) (a) In order to promote the production of renewable
 382 energy from solid waste, each megawatt-hour produced by a
 383 renewable energy facility using solid waste as a fuel shall
 384 count as 1 ton of recycled material and shall be applied toward
 385 meeting the recycling goals set forth in this section. If a
 386 county creating renewable energy from solid waste implements and
 387 maintains a program to recycle at least 50 percent of municipal
 388 solid waste by a means other than creating renewable energy,
 389 that county shall count 2 tons of recycled material for each
 390 megawatt-hour produced. If waste originates from a county other
 391 than the county in which the renewable energy facility resides,
 392 the originating county shall receive such recycling credit. Any

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393 county that has a debt service payment related to its waste-to-
394 energy facility shall receive 1 ton of recycled materials credit
395 for each ton of solid waste processed at the facility. Any
396 byproduct resulting from the creation of renewable energy does
397 not count as waste. ~~A county's solid waste management and~~
398 ~~recycling programs shall be designed to provide for sufficient~~
399 ~~reduction of the amount of solid waste generated within the~~
400 ~~county and the municipalities within its boundaries in order to~~
401 ~~meet goals for the reduction of municipal solid waste prior to~~
402 ~~the final disposal or the incineration of such waste at a solid~~
403 ~~waste disposal facility. The goals shall provide, at a minimum,~~
404 ~~that the amount of municipal solid waste that would be disposed~~
405 ~~of within the county and the municipalities within its~~
406 ~~boundaries is reduced by at least 30 percent.~~

407 (b) A county may receive credit for one-half of the
408 recycling goal set forth in subsection (2) ~~for waste reduction~~
409 from the use of yard trash, or other clean wood waste or paper
410 waste, in innovative programs including, but not limited to,
411 programs that produce alternative clean-burning fuels such as
412 ethanol or that provide for the conversion of yard trash or
413 other clean wood waste or paper waste to clean-burning fuel for
414 the production of energy for use at facilities other than a
415 waste-to-energy facility as defined in s. 403.7061. The
416 provisions of this paragraph apply only if a county can
417 demonstrate that:

- 418 1. The county has implemented a yard trash mulching or
419 composting program, and
- 420 2. As part of the program, compost and mulch made from

421 yard trash is available to the general public and in use at
 422 county-owned or maintained and municipally owned or maintained
 423 facilities in the county and state agencies operating in the
 424 county as required by this section.

425 (c) A county with a population of 100,000 or less or a
 426 municipality with a population of 50,000 or less may provide its
 427 residents with the opportunity to recycle in lieu of achieving
 428 the goal set forth in this section ~~paragraph (a)~~. For the
 429 purposes of this section subsection, the "opportunity to
 430 recycle" means that the county:

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

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

436 2. Provides a public education and promotion program that
 437 is conducted to inform its residents of the opportunity to
 438 recycle, encourages source separation of recyclable materials,
 439 and promotes the benefits of reducing, reusing, recycling, and
 440 composting materials.

441 (6) The department may reduce or modify the municipal
 442 solid waste recycling ~~reduction~~ goal that a county is required
 443 to achieve pursuant to subsection (2) ~~(4)~~ if the county
 444 demonstrates to the department that:

445 (a) The achievement of the goal set forth in subsection
 446 (2) ~~(4)~~ would have an adverse effect on the financial
 447 obligations of a county that are directly related to a waste-to-
 448 energy facility owned or operated by or on behalf of the county;

449 and

450 (b) The county cannot remove normally combustible
 451 materials from solid waste that is to be processed at a waste-
 452 to-energy facility because of the need to maintain a sufficient
 453 amount of solid waste to ensure the financial viability of the
 454 facility.

455
 456 The goal shall not be waived entirely and may only be reduced or
 457 modified to the extent necessary to alleviate the adverse
 458 effects of achieving the goal on the financial viability of a
 459 county's waste-to-energy facility. Nothing in this subsection
 460 shall exempt a county from developing and implementing a
 461 recycling program pursuant to this act.

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

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

469 1. ~~(a)~~ The amount of municipal solid waste disposed of at
 470 solid waste disposal facilities, by type of waste such as yard
 471 trash, white goods, clean debris, tires, and unseparated solid
 472 waste;

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

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

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477 (b) Beginning with the data for the 2012 calendar year,
478 the department shall by July 1 each year post on its website the
479 recycling rates of each county for the prior calendar year.

480 (21) Local governments are authorized to enact ordinances
481 that require and direct all residential properties, multifamily
482 dwellings, and apartment complexes and industrial, commercial,
483 and institutional establishments as defined by the local
484 government to establish programs for the separation of
485 recyclable materials designated by the local government, which
486 recyclable materials are specifically intended for purposes of
487 recycling and for which a market exists, and to provide for
488 their collection. Such ordinances may include, but are not
489 limited to, provisions that prohibit any person from knowingly
490 disposing of recyclable materials designated by the local
491 government and that ensure the collection of recovered materials
492 as necessary to protect public health and safety.

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

497 403.7061 Requirements for review of new waste-to-energy
498 facility capacity by the Department of Environmental
499 Protection.—

500 (3) An applicant must provide reasonable assurance that
501 the construction of a new waste-to-energy facility or the
502 expansion of an existing waste-to-energy facility will comply
503 with the following criteria:

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504 ~~(c) The county in which the facility is located has~~
505 ~~implemented and maintains a solid waste management and recycling~~
506 ~~program that is designed to achieve the waste reduction goal set~~
507 ~~forth in s. 403.706(4). For the purposes of this section, the~~
508 ~~provisions of s. 403.706(4)(c) for counties having populations~~
509 ~~of 100,000 or fewer do not apply.~~

510 Section 9. Subsection (9) of section 403.707, Florida
511 Statutes, is amended to read:

512 403.707 Permits.—

513 (9) The department shall establish a separate category for
514 solid waste management facilities that accept only construction
515 and demolition debris for disposal or recycling. The department
516 shall establish a reasonable schedule for existing facilities to
517 comply with this section to avoid undue hardship to such
518 facilities. However, a permitted solid waste disposal unit that
519 receives a significant amount of waste prior to the compliance
520 deadline established in this schedule shall not be required to
521 be retrofitted with liners or leachate control systems.

522 (a) The department shall establish reasonable
523 construction, operation, monitoring, recordkeeping, financial
524 assurance, and closure requirements for such facilities. The
525 department shall take into account the nature of the waste
526 accepted at various facilities when establishing these
527 requirements, and may impose less stringent requirements,
528 including a system of general permits or registration
529 requirements, for facilities that accept only a segregated waste
530 stream which is expected to pose a minimal risk to the
531 environment and public health, such as clean debris. The

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532 Legislature recognizes that incidental amounts of other types of
533 solid waste are commonly generated at construction or demolition
534 projects. In any enforcement action taken pursuant to this
535 section, the department shall consider the difficulty of
536 removing these incidental amounts from the waste stream.

537 (b) The department shall ~~not~~ require liners and leachate
538 collection systems at individual disposal units and lateral
539 expansions of existing disposal units that have not received a
540 department permit authorizing construction or operation before
541 July 1, 2010 ~~facilities unless it demonstrates, based upon the~~
542 ~~types of waste received, the methods for controlling types of~~
543 ~~waste disposed of, the proximity of groundwater and surface~~
544 ~~water, and the results of the hydrogeological and geotechnical~~
545 ~~investigations, that the facility is reasonably expected to~~
546 ~~result in violations of groundwater standards and criteria~~
547 ~~otherwise.~~

548 (c) The owner or operator shall provide financial
549 assurance for closing of the facility in accordance with the
550 requirements of s. 403.7125. The financial assurance shall cover
551 the cost of closing the facility and 5 years of long-term care
552 after closing, unless the department determines, based upon
553 hydrogeologic conditions, the types of wastes received, or the
554 groundwater monitoring results, that a different long-term care
555 period is appropriate. However, unless the owner or operator of
556 the facility is a local government, the escrow account described
557 in s. 403.7125(2) may not be used as a financial assurance
558 mechanism.

559 (d) The department shall establish training requirements

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560 for operators of facilities, and shall work with the State
561 University System or other providers to assure that adequate
562 training courses are available. The department shall also assist
563 the Florida Home Builders Association in establishing a
564 component of its continuing education program to address proper
565 handling of construction and demolition debris, including best
566 management practices for reducing contamination of the
567 construction and demolition debris waste stream.

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

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

575 (g) By January 1, 2012, the amount of construction and
576 demolition debris processed and recycled prior to disposal at a
577 permitted materials recovery facility or at any other permitted
578 disposal facility shall be reported by the county of origin to
579 the department and to the county on an annual basis in
580 accordance with rules adopted by the department. The rules shall
581 establish criteria to ensure accurate and consistent reporting
582 for purposes of determining the recycling rate in s. 403.706
583 and shall also require that, to the extent economically
584 feasible, all construction and demolition debris must be
585 processed prior to disposal, either at a permitted materials
586 recovery facility or at a permitted disposal facility. This
587 paragraph does not apply to recovered materials, any materials

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588 that have been source separated and offered for recycling, or
589 materials that have been previously processed. ~~It is the policy~~
590 ~~of the Legislature to encourage facilities to recycle. The~~
591 ~~department shall establish criteria and guidelines that~~
592 ~~encourage recycling where practical and provide for the use of~~
593 ~~recycled materials in a manner that protects the public health~~
594 ~~and the environment. Facilities are authorized to recycle,~~
595 ~~provided such activities do not conflict with such criteria and~~
596 ~~guidelines.~~

597 (h) The department shall ensure that the requirements of
598 this section are applied and interpreted consistently throughout
599 the state. In accordance with s. 20.255, the Division of Waste
600 Management shall direct the district offices and bureaus on
601 matters relating to the interpretation and applicability of this
602 section.

603 (i) The department shall provide notice of receipt of a
604 permit application for the initial construction of a
605 construction and demolition debris disposal facility to the
606 local governments having jurisdiction where the facility is to
607 be located.

608 (j) The Legislature recognizes that recycling, waste
609 reduction, and resource recovery are important aspects of an
610 integrated solid waste management program and as such are
611 necessary to protect the public health and the environment. If
612 necessary to promote such an integrated program, the county may
613 determine, after providing notice and an opportunity for a
614 hearing prior to April 30, 2008, that some or all of the
615 material described in s. 403.703(6)(b) shall be excluded from

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616 the definition of "construction and demolition debris" in s.
617 403.703(6) within the jurisdiction of such county. The county
618 may make such a determination only if it finds that, prior to
619 June 1, 2007, the county has established an adequate method for
620 the use or recycling of such wood material at an existing or
621 proposed solid waste management facility that is permitted or
622 authorized by the department on June 1, 2007. The county is not
623 required to hold a hearing if the county represents that it
624 previously has held a hearing for such purpose, or if the county
625 represents that it previously has held a public meeting or
626 hearing that authorized such method for the use or recycling of
627 trash or other nonputrescible waste materials and that such
628 materials include those materials described in s. 403.703(6)(b).
629 The county shall provide written notice of its determination to
630 the department by no later than April 30, 2008; thereafter, the
631 materials described in s. 403.703(6) shall be excluded from the
632 definition of "construction and demolition debris" in s.
633 403.703(6) within the jurisdiction of such county. The county
634 may withdraw or revoke its determination at any time by
635 providing written notice to the department.

636 (k) Brazilian pepper and other invasive exotic plant
637 species as designated by the department resulting from
638 eradication projects may be processed at permitted construction
639 and demolition debris recycling facilities or disposed of at
640 permitted construction and demolition debris disposal facilities
641 or Class III facilities. The department may adopt rules to
642 implement this paragraph.

643 Section 10. Paragraph (e) of subsection (1) of section

644 403.709, Florida Statutes, is amended to read:

645 403.709 Solid Waste Management Trust Fund; use of waste
 646 tire fees.—There is created the Solid Waste Management Trust
 647 Fund, to be administered by the department.

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

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

654 Section 11. Section 403.7095, Florida Statutes, is amended
 655 to read:

656 403.7095 Solid waste management grant program.—

657 ~~(1) The department shall develop a competitive and~~
 658 ~~innovative grant program for counties, municipalities, special~~
 659 ~~districts, and nonprofit organizations that have legal~~
 660 ~~responsibility for the provision of solid waste management~~
 661 ~~services. For purposes of this program, "innovative" means that~~
 662 ~~the process, technology, or activity for which funding is sought~~
 663 ~~has not previously been implemented within the jurisdiction of~~
 664 ~~the applicant. The applicant must:~~

665 ~~(a) Demonstrate technologies or processes that represent a~~
 666 ~~novel application of an existing technology or process to~~
 667 ~~recycle or reduce waste, or that overcome obstacles to recycling~~
 668 ~~or waste reduction in new or innovative ways;~~

669 ~~(b) Demonstrate innovative processes to collect and~~
 670 ~~recycle or reduce materials targeted by the department and the~~
 671 ~~recycling industry; or~~

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

676
 677 ~~Because the Legislature recognizes that input from the recycling~~
 678 ~~industry is essential to the success of this grant program, the~~
 679 ~~department shall cooperate with private sector entities to~~
 680 ~~develop a process and define specific criteria for allowing~~
 681 ~~their participation with grant recipients.~~

682 ~~(2) The department shall evaluate and prioritize the~~
 683 ~~annual grant proposals and present the annual prioritized list~~
 684 ~~of projects to be funded to the Governor and the Legislature as~~
 685 ~~part of its annual budget request submitted pursuant to chapter~~
 686 ~~216. Potential grant recipients are encouraged to demonstrate~~
 687 ~~local support for grant proposals by the commitment of cash or~~
 688 ~~in-kind matching funds.~~

689 (1)~~(3)~~ The department shall develop a consolidated grant
 690 program for small counties having populations fewer than
 691 100,000, with grants to be distributed equally among eligible
 692 counties. Programs to be supported with the small-county
 693 consolidated grants include general solid waste management,
 694 litter prevention and control, and recycling and education
 695 programs.

696 (2)~~(4)~~ The department shall develop a waste tire grant
 697 program making grants available to all counties. The department
 698 shall ensure that at least 25 percent of the funding available
 699 for waste tire grants is distributed equally to each county

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700 having a population fewer than 100,000. Of the remaining funds
 701 distributed to counties having a population of 100,000 or
 702 greater, the department shall distribute those funds on the
 703 basis of population.

704 (3)~~(5)~~ From the funds made available pursuant to s.
 705 403.709(1)(e) for the grant program created by this section, the
 706 following distributions shall be made:

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

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

711 (b)~~(c)~~ Up to 50 percent for the program described in
 712 subsection (2) ~~(4)~~.

713 (4)~~(6)~~ The department may adopt rules necessary to
 714 administer this section, including, but not limited to, rules
 715 governing timeframes for submitting grant applications, criteria
 716 for prioritizing, matching criteria, maximum grant amounts, and
 717 allocation of appropriated funds based upon project and
 718 applicant size.

719 ~~(7) Notwithstanding any provision of this section to the~~
 720 ~~contrary, and for the 2009-2010 fiscal year only, the Department~~
 721 ~~of Environmental Protection shall award the sum of \$2,600,000 in~~
 722 ~~grants equally to counties having populations of fewer than~~
 723 ~~100,000 for waste tire and litter prevention, recycling~~
 724 ~~education, and general solid waste programs. This subsection~~
 725 ~~expires July 1, 2010.~~

726 ~~(8)(a) Notwithstanding any provision of this section to~~
 727 ~~the contrary, and for the 2008-2009 fiscal year only, the~~

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728 ~~Department of Environmental Protection shall award:~~

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

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

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

736 Section 12. Subsection (1) of section 403.7145, Florida
 737 Statutes, is amended, and subsections (3) and (4) are added to
 738 that section, to read:

739 403.7145 Recycling.—

740 (1) The Capitol and the House and Senate office buildings
 741 constitute the Capitol recycling area. The Florida House of
 742 Representatives, the Florida Senate, and the Office of the
 743 Governor, the Secretary of State, and each Cabinet officer who
 744 heads a department that occupies office space in the Capitol,
 745 shall institute a recycling program for their respective offices
 746 in the House and Senate office buildings and the Capitol.
 747 Provisions shall be made to collect and sell wastepaper and
 748 empty ~~aluminum~~ beverage containers ~~cans~~ generated by employee
 749 activities in these offices. The collection and sale of such
 750 materials shall be reported to Leon County using the
 751 department's designated reporting format and coordinated with
 752 Department of Management Services recycling activities to
 753 maximize the efficiency and economy of this program. The
 754 Governor, the Speaker of the House of Representatives, the
 755 President of the Senate, the Secretary of State, and the Cabinet

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756 officers may authorize the use of proceeds from recyclable
757 material sales for employee benefits and other purposes, in
758 order to provide incentives to their respective employees for
759 participation in the recycling program. Such proceeds may also
760 be used to offset any costs of the recycling program. As a
761 demonstration of leading by example, the Capitol Building's
762 recycling rates shall be posted on the website of the Department
763 of Management Services and shall include the details of the
764 recycling rates for each Department of Management Services pool
765 facility. The Department of Environmental Protection shall post
766 recycling rates of each state-owned facility reported to the
767 Department of Management Services.

768 (3) Prior to awarding any grants pursuant to s. 403.7095,
769 the department shall develop and contract for an innovative
770 recycling pilot project for the Capitol recycling area. The
771 project shall be designed to collect recyclable materials and
772 create a more sustainable recycling system. Components of the
773 project shall be designed to increase convenience, incentivize
774 and measure participation, reduce material volume, and assist in
775 achieving the recycling goals enumerated in s. 403.706.

776 (4) Each public airport operating in this state shall, to
777 the greatest extent practicable, collect aluminum beverage cans
778 and recyclable plastic and glass from the airlines and other
779 entities doing business at the airport and offer such materials
780 for recycling and may retain the economic benefit of these
781 activities to offset the costs associated with such collection.
782 Airport administration offices, airport vendors, and airlines
783 are encouraged to coordinate the collection of recyclable waste

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784 to the greatest extent practicable. The provisions of this
785 subsection are not intended to interfere with any established
786 recycling activity.

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

789 553.77 Specific powers of the commission.—

790 (1) The commission shall:

791 (m) Develop recommendations that increase residential and
792 commercial recycling and composting and strongly encourage the
793 use of recyclable materials and the recycling of construction
794 and demolition debris.

795 Section 14. Section 288.1185, Florida Statutes, is
796 repealed.

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