

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

BILL: SB 622

INTRODUCER: Senator Clemens

SUBJECT: Paper Recycling

DATE: March 4, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gudeman	Uchino	EP	Pre-meeting
2.			ED	
3.			AED	
4.			AP	

I. Summary:

SB 622 requires each school district to develop a paper recycling program and adopt rules to establish the procedure for the disposition of paper and paper products. The bill provides for certain exemptions to school districts or schools and an exemption for the recycling of confidential documents. The bill also provides definitions and requires that the money received by a school district for recycling be deposited into the school district’s general fund.

II. Present Situation:

Solid Waste Management

The management of solid waste in Florida began in 1946 under the Sanitary Code (code). The code provided definitions and procedures for illegal dumping and proper storage of solid waste, as well as the collection and dumping of solid waste. The code required municipalities to provide for, “adequate, efficient, and sanitary systems of collecting, transporting, and disposing of garbage and rubbish from all buildings and establishments creating garbage or rubbish throughout the municipality.”¹

In 1974, the Legislature enacted the Florida Resource Recovery and Management Act (act), which established procedures for the storage, collection, transport, separation, processing, recycling, and disposal of solid waste. The act required counties and municipalities to adopt local resource recovery and management programs and to implement the state program.²

¹ Florida State Sanitary Code, Chapter XXXI, Garbage and Rubbish, available at ftp://ftp.dep.state.fl.us/pub/reports/62-701/FloridaSWRegulations_eff02-16-1946.pdf (last visited Feb. 28, 2014).

² See ch. 74-342, Laws of Fla.

The Legislature enacted the Solid Waste Management Act (SWMA) in 1988, which created the framework for the state's recycling efforts. The SWMA set a goal to reduce the disposal of municipal solid waste by 30 percent by the end of 1994.³ The SWMA required the Department of Environmental Protection (DEP) to implement the solid waste program, adopt rules related to the program, and manage grant programs. The Florida Department of Education was tasked with developing, distributing, and promoting guidelines for the collection of recyclables and the reduction of solid wastes in schools. The disposal reduction goal resulted in significant public and private investment in recycling, and by 1993 Florida led the nation in municipal solid waste reuse.⁴

In 2001, the Legislature amended s. 403.7185, F.S., which required the DEP to review the state's waste reduction goals and recycling efforts and submit a report to the Legislature.⁵ The report found the rate of municipal solid waste recycling had dropped below 30 percent to an average of 28 percent. The report proposed alternatives to improve the state's recycling programs; however, the recommendations were never implemented.⁶

The Legislature created s. 403.7032, F.S., in 2008, which established a 75 percent recycling goal to be achieved by 2020 and required the DEP to develop a program to achieve this goal and submit it to the Legislature for approval. The report was submitted in January 2010 and recommended the following:⁷

- Require each state agency to meet the 75 percent goal and report the total expenditures on purchases of material with recycled content to the Department of Management Services (DMS);
- Require the DEP to develop a website for DMS to use for recycling education;
- Apply the new recycling goal to counties with a population greater than 100,000 and cities with a population greater than 50,000;
- Require commercial recycling in counties with a population greater than 100,000 and cities with a population greater than 50,000;
- Increase recycling education in K-12 public schools;
- Direct all local school districts to implement recycling programs;
- Require all construction and demolition debris be processed at a materials recovery facility prior to disposal;
- Create a recycling grants or revolving loan program for local governments to aid in reaching a 75 percent recycling goal for their jurisdictions; and
- Create a recycling business assistance center to promote markets for recyclable organic and inorganic municipal solid waste materials.

³ See ch. 88-130, Laws of Fla.

⁴ Solid Waste Authority of Palm Beach County, *White Paper: Meeting the Future, Evaluating the Potential of Waste Processing Technologies to Contribute to the Solid Waste Authority's System* (2009), available at http://www.swa.org/pdf/SWAPBC_White_Paper_9-2-09.pdf (last visited Feb. 28, 2014).

⁵ See ch. 2001-224, Laws of Fla.

⁶ DEP, *Florida's Recycling and Litter Programs, Current Status and Potential Future Directions* (2001), available at http://www.dep.state.fl.us/waste/quick_topics/publications/shw/recycling/hb9.pdf (last visited Feb. 28, 2014).

⁷ DEP, *75% Recycling Goal Report to the Legislature* (2010), <http://dep.state.fl.us/waste/recyclinggoal75/pages/report.htm> (last visited Feb. 28, 2014).

In 2010, the Legislature created s. 403.7032, F.S., which required all cities, counties, state entities, and public schools to report the amount of recycled materials to the county. The bill directed the DEP to create a reporting format to be used by cities, counties, state entities, and public schools. The bill also provided specific recycling goals and benchmarks counties had to achieve by 2020.⁸

The K-12 public schools reporting requirement in s. 403.7032, F.S., was repealed in 2013. The DEP had not yet adopted the reporting format by rule, therefore, school district superintendents requested that K-12 provision be removed from statute.⁹ The DEP adopted the recycling reporting format in December 2013; however, all references to K-12 requirements were removed from the rule.¹⁰

Paper Recycling

Paper and paperboard products are the largest components of the municipal solid waste stream in the country. Approximately 70 million tons of paper is used each year and approximately 66 percent of it (46 million tons) is recycled. There are many environmental benefits to recycling paper including:¹¹

- Reductions in greenhouse gas emissions;
- Reductions in energy and water consumption; and
- Decreases in the need for disposal in a landfill or incineration.

Florida K-12 schools are not required to develop or implement recycling programs; however, many K-12 schools have established some type of recycling program. In 2009, the DEP, in partnership with the Florida Department of Education, Sustainable Florida, and Florida's Foundation, established the Florida Green School Award to recognize the environmental accomplishments of students and schools.¹² The Florida Green School Network was established in 2011 to act as a clearinghouse for the green school participants. Schools participating in the program have generated approximately \$66 million in gross cost savings.¹³

The DEP does not have data available on the number of school districts that currently recycle paper or the amount of paper that is recycled on a yearly basis. However, the DEP was able to provide paper recycling figures reported by school districts from Pinellas, Pasco, and Palm Beach Counties.¹⁴ The revenue estimates provided are based on the estimated market rate of

⁸ See ch. 2010-143, Laws of Fla.

⁹ See ch. 2013-185, Laws of Fla., and The Florida Senate, Comm. on Education, *Senate Bill CS/SB 1096 Staff Analysis*, (Mar. 15, 2013), available at <http://www.flsenate.gov/Session/Bill/2013/1096/Analyses/2013s1096.rc.PDF> (last visited Feb. 28, 2014).

¹⁰ See Rule 62-716, F.A.C.

¹¹ Env. Protection Agency, *Paper Recycling*, <http://www.epa.gov/epawaste/consERVE/materials/paper/basics/index.htm> (last visited Feb. 28, 2014).

¹² DEP, *Florida Green School Awards*, <http://dep.state.fl.us/secretary/ed/schools/about.htm> (last visited Feb. 28, 2014).

¹³ Florida Green School Network, *About Us*, <http://www.floridagreenschoolnetwork.org/about-us/> (last visited Feb. 28, 2014).

¹⁴ DEP, *Senate Bill 622 Agency Analysis* (Feb. 2014) (on file with the Senate Committee on Environmental Preservation and Conservation).

\$26.25 per ton of paper products.¹⁵ Pinellas County school district recycled 3,987 tons of paper in 2011, providing \$104,000 in revenues. Zephyrhills Elementary School in Pasco County collected 14.6 tons of paper during the 2012-2013 school year, providing \$380 in recycling revenues. The top ten recycling schools in Palm Beach County collected approximately 157 tons of paper, providing \$4,120 in estimated recycling revenues.¹⁶

III. Effect of Proposed Changes:

Section 1 creates s. 403.7147, F.S., to require each district school board to develop a paper recycling program in all classrooms. The bill defines “paper” as cellulosic material containing, by weight or volume, less than 10 percent noncellulosic material. The term includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, and duplicator paper. The bill defines “paper product” as a paper article or commodity, including a paper napkin, paper towel, or cardboard.

The bill requires each district school board to adopt rules establishing the procedure for the collection and disposition of paper and paper products collected for recycling.

The bill exempts confidential documents, if there is an additional cost to recycle them. It also exempts school districts or schools within a school district if the cost to recycle paper and paper products is unreasonable or would place an undue burden on the operations of the district or the school.

The bill specifies that money received by the school district for the recycling of paper or paper products must be deposited into the school district’s general fund.

Section 2 provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁵ *Id.* at 4. The DEP estimated the recycling revenues based on the market rate of paper recycling in February 2014 multiplied by the amount of paper products recycled by the school or school district.

¹⁶ *Id.*

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Revenues may increase for recovered materials dealers from the sale of the recycled paper.¹⁷ Conversely, revenues may decrease for solid waste management companies as the amount of paper being disposed of is reduced. The direct impacts cannot be determined at this time.

C. Government Sector Impact:

The school districts and schools that participate in paper recycling would realize a cost savings based on the current average municipal solid waste landfill tipping fee of \$44 per ton versus the market rate to recycle at \$26.50 per ton. The cost savings and revenues will fluctuate based on the market rate of paper recycling and landfill tipping fees.¹⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not provide penalties for school districts that fail to adopt rules and implement a paper recycling program. The bill also does not provide a process for determining whether or not a school or school district qualifies for an exemption.¹⁹

VIII. Statutes Affected:

This bill creates section 403.7147 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁷ *Id.* at 3.

¹⁸ *Supra* note 7, at 2.

¹⁹ *Supra* note 14, at 3.