



193212

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/14/2017	.	
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Appropriations Subcommittee on the Environment and Natural Resources (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (2) and (3) of section 403.703, Florida Statutes, are renumbered as subsections (3) and (2), respectively, subsections (10) through (22) are renumbered as subsections (11) through (23), respectively, present subsection (23) is renumbered as subsection (25), present subsections (24) through (43) are renumbered as subsections (28)



193212

11 through (47), respectively, present subsections (24), (27),
12 (32), and (35) are amended, and new subsections (10), (24),
13 (26), and (27) are added to that section, to read:

14 403.703 Definitions.—As used in this part, the term:

15 (10) "Gasification" means a process through which post-use
16 polymers are heated and converted to synthesis gas in an oxygen-
17 deficient atmosphere, and then converted to crude oil, fuels, or
18 chemical feedstocks.

19 (24) "Post-use polymer" means a plastic polymer that is
20 derived from any domestic, commercial, or municipal activity and
21 recycled in commercial markets which may otherwise become waste
22 if not converted to manufacture crude oil, fuels, or other raw
23 materials or intermediate or final products using gasification
24 or pyrolysis. As used in this part, a post-use polymer may
25 contain incidental contaminants or impurities such as paper
26 labels or metal rings.

27 (26) "Pyrolysis" means a process through which post-use
28 polymers are heated in the absence of oxygen until melted and
29 thermally decomposed, and then cooled, condensed, and converted
30 to any of the following:

31 (a) Crude oil, diesel, gasoline, home heating oil, or
32 another fuel.

33 (b) Feedstocks.

34 (c) Diesel and gasoline blendstocks.

35 (d) Chemicals, waxes, or lubricants.

36 (e) Other raw materials or intermediate or final products.

37 (27) "Pyrolysis facility" means a facility that receives,
38 separates, stores, and converts post-use polymers, using
39 gasification or pyrolysis. A pyrolysis facility meeting the



193212

40 conditions of s. 403.7045(1)(e) is not a solid waste management
41 facility.

42 (28)(24) "Recovered materials" means metal, paper, glass,
43 plastic, textile, or rubber materials that have known recycling
44 potential, can be feasibly recycled, and have been diverted and
45 source separated or have been removed from the solid waste
46 stream for sale, use, or reuse as raw materials, regardless of
47 whether ~~or not~~ the materials require subsequent processing or
48 separation from each other, and include post-use polymers that
49 are converted to manufacture crude oil, fuels, or other raw
50 materials or intermediate or final products using gasification
51 or pyrolysis. ~~but~~ The term does not include materials destined
52 for any use that constitutes disposal. As used in this part,
53 recovered materials do not constitute as described in this
54 subsection are not solid waste.

55 (31)(27) "Recycling" means any process by which solid
56 waste, or materials that would otherwise become solid waste, are
57 collected, separated, or processed and reused or returned to use
58 in the form of raw materials or intermediate or final products,
59 including, but not limited to, crude oil, fuels, and fuel
60 substitutes.

61 (36)(32) "Solid waste" means sludge unregulated under the
62 federal Clean Water Act or Clean Air Act, sludge from a waste
63 treatment works, water supply treatment plant, or air pollution
64 control facility, or garbage, rubbish, refuse, special waste, or
65 other discarded material, including solid, liquid, semisolid, or
66 contained gaseous material resulting from domestic, industrial,
67 commercial, mining, agricultural, or governmental operations.
68 Recovered materials as defined in subsection (28) ~~(24)~~ are not



193212

69 solid waste.

70 ~~(39)~~⁽³⁵⁾ "Solid waste management facility" means any solid
71 waste disposal area, volume reduction plant, transfer station,
72 materials recovery facility, or other facility, the purpose of
73 which is resource recovery or the disposal, recycling,
74 processing, or storage of solid waste. The term does not include
75 recovered materials processing facilities or pyrolysis
76 facilities that meet the requirements of s. 403.7046, except the
77 portion of such facilities, if any, which is used for the
78 management of solid waste.

79 Section 2. Subsection (1) of section 403.7045, Florida
80 Statutes, is amended to read:

81 403.7045 Application of act and integration with other
82 acts.—

83 (1) The following wastes or activities may ~~shall~~ not be
84 regulated pursuant to this act:

85 (a) Byproduct material, source material, and special
86 nuclear material, the generation, transportation, disposal,
87 storage, or treatment of which is regulated under chapter 404 or
88 the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat. 923,
89 as amended;

90 (b) Suspended solids and dissolved materials in domestic
91 sewage effluent or irrigation return flows or other discharges
92 which are point sources subject to permits pursuant to this
93 chapter or s. 402 of the Clean Water Act, Pub. L. No. 95-217;

94 (c) Emissions to the air from a stationary installation or
95 source regulated under this chapter or the Clean Air Act, Pub.
96 L. No. 95-95;

97 (d) Drilling fluids, produced waters, and other wastes



193212

98 associated with the exploration for, or development and
99 production of, crude oil or natural gas which are regulated
100 under chapter 377; or

101 (e) Recovered materials, ~~or~~ recovered materials processing
102 facilities, or pyrolysis facilities, except as provided in s.
103 403.7046, if:

104 1. A majority of the recovered materials at the facility
105 are demonstrated to be sold, used, or reused within 1 year. As
106 used in this subparagraph, the term "used or reused" includes
107 the conversion of post-use polymers into crude oil, fuels,
108 feedstocks, or other raw materials or intermediate or final
109 products by gasification or pyrolysis, as defined in s. 403.703.

110 2. The recovered materials handled by the facility or the
111 products or byproducts of operations that process recovered
112 materials are not discharged, deposited, injected, dumped,
113 spilled, leaked, or placed into or upon any land or water by the
114 owner or operator of the ~~such~~ facility so that the ~~such~~
115 recovered materials, products or byproducts, or any constituent
116 thereof may enter other lands or be emitted into the air or
117 discharged into any waters, including groundwaters, or otherwise
118 enter the environment such that a threat of contamination in
119 excess of applicable department standards and criteria is
120 caused.

121 3. The recovered materials handled by the facility are not
122 hazardous wastes as defined in ~~under~~ s. 403.703, and rules
123 adopted under this section promulgated pursuant thereto.

124 4. The facility is registered as required in s. 403.7046.

125 (f) Industrial byproducts, if:

126 1. A majority of the industrial byproducts are demonstrated



193212

127 to be sold, used, or reused within 1 year.

128 2. The industrial byproducts are not discharged, deposited,
129 injected, dumped, spilled, leaked, or placed upon any land or
130 water so that such industrial byproducts, or any constituent
131 thereof, may enter other lands or be emitted into the air or
132 discharged into any waters, including groundwaters, or otherwise
133 enter the environment such that a threat of contamination in
134 excess of applicable department standards and criteria or a
135 significant threat to public health is caused.

136 3. The industrial byproducts are not hazardous wastes as
137 defined in ~~under~~ s. 403.703 and rules adopted under this
138 section.

139
140 Sludge from an industrial waste treatment works that meets the
141 exemption requirements of this paragraph is not solid waste as
142 defined in s. 403.703 ~~s. 403.703(32)~~.

143 Section 3. Paragraph (b) of subsection (3) of section
144 403.7046, Florida Statutes, is amended to read:

145 403.7046 Regulation of recovered materials.—

146 (3) Except as otherwise provided in this section or
147 pursuant to a special act in effect on or before January 1,
148 1993, a local government may not require a commercial
149 establishment that generates source-separated recovered
150 materials to sell or otherwise convey its recovered materials to
151 the local government or to a facility designated by the local
152 government, nor may the local government restrict such a
153 generator's right to sell or otherwise convey such recovered
154 materials to any properly certified recovered materials dealer
155 who has satisfied the requirements of this section. A local



193212

156 government may not enact any ordinance that prevents such a
157 dealer from entering into a contract with a commercial
158 establishment to purchase, collect, transport, process, or
159 receive source-separated recovered materials.

160 (b)1. Before engaging in business within the jurisdiction
161 of the local government, a recovered materials dealer must
162 provide the local government with a copy of the certification
163 provided for in this section. In addition, the local government
164 may establish a registration process whereby a recovered
165 materials dealer must register with the local government before
166 engaging in business within the jurisdiction of the local
167 government. Such registration process is limited to requiring
168 the dealer to register its name, including the owner or operator
169 of the dealer, and, if the dealer is a business entity, its
170 general or limited partners, its corporate officers and
171 directors, its permanent place of business, evidence of its
172 certification under this section, and a certification that the
173 recovered materials will be processed at a recovered materials
174 processing facility or pyrolysis facility satisfying the
175 requirements of this section. The local government may not use
176 the information provided in the registration application to
177 compete unfairly with the recovered materials dealer until 90
178 days after receipt of the application. All counties, and
179 municipalities whose population exceeds 35,000 according to the
180 population estimates determined pursuant to s. 186.901, may
181 establish a reporting process that must be limited to the
182 regulations, reporting format, and reporting frequency
183 established by the department pursuant to this section, which
184 must, at a minimum, include requiring the dealer to identify the



193212

185 types and approximate amount of recovered materials collected,
186 recycled, or reused during the reporting period; the approximate
187 percentage of recovered materials reused, stored, or delivered
188 to a recovered materials processing facility or pyrolysis
189 facility or disposed of in a solid waste disposal facility; and
190 the locations where any recovered materials were disposed of as
191 solid waste. The local government may charge the dealer a
192 registration fee commensurate with and no greater than the cost
193 incurred by the local government in operating its registration
194 program. Registration program costs are limited to those costs
195 associated with the activities described in this subparagraph.
196 Any reporting or registration process established by a local
197 government with regard to recovered materials is governed by
198 this section and department rules adopted pursuant thereto.

199 2. Information reported under this subsection which, if
200 disclosed, would reveal a trade secret, as defined in s.
201 812.081, is confidential and exempt from s. 119.07(1) and s.
202 24(a), Art. I of the State Constitution. This subparagraph is
203 subject to the Open Government Sunset Review Act in accordance
204 with s. 119.15 and shall stand repealed on October 2, 2021,
205 unless reviewed and saved from repeal through reenactment by the
206 Legislature.

207 Section 4. Subsection (2) of section 171.205, Florida
208 Statutes, is amended to read:

209 171.205 Consent requirements for annexation of land under
210 this part.—Notwithstanding part I, an interlocal service
211 boundary agreement may provide a process for annexation
212 consistent with this section or with part I.

213 (2) If the area to be annexed includes a privately owned



193212

214 solid waste disposal facility as defined in s. 403.703 ~~s.~~
215 ~~403.703(33)~~ which receives municipal solid waste collected
216 within the jurisdiction of multiple local governments, the
217 annexing municipality must set forth in its plan the effects
218 that the annexation of the solid waste disposal facility will
219 have on the other local governments. The plan must also indicate
220 that the owner of the affected solid waste disposal facility has
221 been contacted in writing concerning the annexation, that an
222 agreement between the annexing municipality and the solid waste
223 disposal facility to govern the operations of the solid waste
224 disposal facility if the annexation occurs has been approved,
225 and that the owner of the solid waste disposal facility does not
226 object to the proposed annexation.

227 Section 5. Subsection (28) of section 316.003, Florida
228 Statutes, is amended to read:

229 316.003 Definitions.—The following words and phrases, when
230 used in this chapter, shall have the meanings respectively
231 ascribed to them in this section, except where the context
232 otherwise requires:

233 (28) HAZARDOUS MATERIAL.—Any substance or material which
234 has been determined by the secretary of the United States
235 Department of Transportation to be capable of imposing an
236 unreasonable risk to health, safety, and property. This term
237 includes hazardous waste as defined in s. 403.703 ~~s.~~
238 ~~403.703(13)~~.

239 Section 6. Paragraph (f) of subsection (2) of section
240 377.709, Florida Statutes, is amended to read:

241 377.709 Funding by electric utilities of local governmental
242 solid waste facilities that generate electricity.—



193212

243 (2) DEFINITIONS.—As used in this section, the term:
244 (f) "Solid waste facility" means a facility owned or
245 operated by, or on behalf of, a local government for the purpose
246 of disposing of solid waste, as ~~that term is~~ defined in s.
247 403.703 ~~s. 403.703(32)~~, by any process that produces heat and
248 incorporates, as a part of the facility, the means of converting
249 heat to electrical energy in amounts greater than actually
250 required for the operation of the facility.

251 Section 7. Subsection (1) of section 487.048, Florida
252 Statutes, is amended to read:

253 487.048 Dealer's license; records.—

254 (1) Each person holding or offering for sale, selling, or
255 distributing restricted-use pesticides must obtain a dealer's
256 license from the department. Application for the license shall
257 be filed with the department by using a form prescribed by the
258 department or by using the department's website. The license
259 must be obtained before entering into business or transferring
260 ownership of a business. The department may require examination
261 or other proof of competency of individuals to whom licenses are
262 issued or of individuals employed by persons to whom licenses
263 are issued. Demonstration of continued competency may be
264 required for license renewal, as set by rule. The license shall
265 be renewed annually as provided by rule. An annual license fee
266 not exceeding \$250 shall be established by rule. However, a user
267 of a restricted-use pesticide may distribute unopened containers
268 of a properly labeled pesticide to another user who is legally
269 entitled to use that restricted-use pesticide without obtaining
270 a pesticide dealer license. The exclusive purpose of
271 distribution of the restricted-use pesticide is to keep it from



193212

272 becoming a hazardous waste as defined in s. 403.703 ~~s.~~
273 ~~403.703(13)~~.

274 Section 8. This act shall take effect July 1, 2017.

275

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

277 And the title is amended as follows:

278 Delete everything before the enacting clause
279 and insert:

280 A bill to be entitled
281 An act relating to resource recovery and management;
282 amending s. 403.703, F.S.; revising definitions;
283 defining the terms "gasification," "post-use polymer,"
284 "pyrolysis," and "pyrolysis facility"; amending s.
285 403.7045, F.S.; providing that certain pyrolysis
286 facilities are exempt from certain resource recovery
287 regulations; conforming a cross-reference; amending s.
288 403.7046, F.S.; authorizing recovered materials
289 dealers to use pyrolysis facilities for recovered
290 materials processing; amending ss. 171.205, 316.003,
291 377.709, and 487.048, F.S.; conforming cross-
292 references; providing an effective date.