



228236

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2017	.	
	.	
	.	
	.	

The Committee on Environmental Preservation and Conservation
(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 redesignated as subsections (3)
and (2), respectively, present subsections (10) through (22) of
that section are redesignated as subsections (11) through (23),
respectively, present subsection (23) of that section is
redesignated as subsection (25), present subsections (24)



228236

11 through (43) of that section are redesignated as subsections
12 (28) through (47), respectively, present subsections (24), (27),
13 (32), and (35) of that section are amended, and new subsections
14 (10), (24), (26), and (27) are added to that section, to read:

15 403.703 Definitions.—As used in this part, the term:

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

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

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

32 (a) Crude oil, diesel, gasoline, home heating oil, or
33 another fuel;

34 (b) Feedstocks;

35 (c) Diesel and gasoline blendstocks;

36 (d) Chemicals, waxes, or lubricants; or

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

38 (27) "Pyrolysis facility" means a facility that receives,
39 separates, stores, and converts recovered materials, including



228236

40 post-use polymers, using gasification or pyrolysis. A pyrolysis
41 facility meeting the conditions of s. 403.7045(1)(e) is not a
42 solid waste management facility.

43 (28) (a) ~~(24)~~ "Recovered materials" means metal, paper,
44 glass, plastic, textile, or rubber materials that have known
45 recycling potential, can be feasibly recycled, and have been
46 diverted and source separated or have been removed from the
47 solid waste stream for sale, use, or reuse as raw materials,
48 whether or not the materials require subsequent processing or
49 separation from each other.

50 (b) The term includes post-use polymers that are converted
51 to manufacture crude oil, fuels, or other raw materials or
52 intermediate or final products using gasification or pyrolysis,
53 but ~~The term~~ does not include materials destined for any use
54 that constitutes disposal. Recovered materials as defined
55 ~~described~~ in this subsection are not solid waste.

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

63 (36) ~~(32)~~ "Solid waste" means sludge unregulated under the
64 federal Clean Water Act or Clean Air Act, sludge from a waste
65 treatment works, water supply treatment plant, or air pollution
66 control facility, or garbage, rubbish, refuse, special waste, or
67 other discarded material, including solid, liquid, semisolid, or
68 contained gaseous material resulting from domestic, industrial,



228236

69 commercial, mining, agricultural, or governmental operations.
70 Recovered materials as defined in subsection (28) ~~(24)~~ are not
71 solid waste.

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

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

83 403.7045 Application of act and integration with other
84 acts.—

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

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

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

96 (c) Emissions to the air from a stationary installation or
97 source regulated under this chapter or the Clean Air Act, Pub.



228236

98 L. No. 95-95;

99 (d) Drilling fluids, produced waters, and other wastes
100 associated with the exploration for, or development and
101 production of, crude oil or natural gas which are regulated
102 under chapter 377; or

103 (e) Recovered materials, ~~or~~ recovered materials processing
104 facilities, or pyrolysis facilities, except as provided in s.
105 403.7046, if:

106 1. A majority of the recovered materials at the facility
107 are demonstrated to be sold, used, or reused within 1 year. As
108 used in this subparagraph, the term "used or reused" includes
109 the conversion of recovered materials into crude oil, fuels,
110 feedstocks, or other raw materials or intermediate or final
111 products by gasification or pyrolysis.

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

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

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



228236

127 (f) Industrial byproducts, if:
128 1. A majority of the industrial byproducts are demonstrated
129 to be sold, used, or reused within 1 year.
130 2. The industrial byproducts are not discharged, deposited,
131 injected, dumped, spilled, leaked, or placed upon any land or
132 water so that such industrial byproducts, or any constituent
133 thereof, may enter other lands or be emitted into the air or
134 discharged into any waters, including groundwaters, or otherwise
135 enter the environment such that a threat of contamination in
136 excess of applicable department standards and criteria or a
137 significant threat to public health is caused.
138 3. The industrial byproducts are not hazardous wastes as
139 defined in ~~under~~ s. 403.703 and in rules adopted under this
140 section.
141
142 Sludge from an industrial waste treatment works that meets the
143 exemption requirements of this paragraph is not solid waste as
144 defined in s. 403.703 ~~403.703(32)~~.
145 Section 3. Paragraph (b) of subsection (3) of section
146 403.7046, Florida Statutes, is amended to read:
147 403.7046 Regulation of recovered materials.—
148 (3) Except as otherwise provided in this section or
149 pursuant to a special act in effect on or before January 1,
150 1993, a local government may not require a commercial
151 establishment that generates source-separated recovered
152 materials to sell or otherwise convey its recovered materials to
153 the local government or to a facility designated by the local
154 government, nor may the local government restrict such a
155 generator's right to sell or otherwise convey such recovered



228236

156 materials to any properly certified recovered materials dealer
157 who has satisfied the requirements of this section. A local
158 government may not enact any ordinance that prevents such a
159 dealer from entering into a contract with a commercial
160 establishment to purchase, collect, transport, process, or
161 receive source-separated recovered materials.

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



228236

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

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

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

211 171.205 Consent requirements for annexation of land under
212 this part.—Notwithstanding part I, an interlocal service
213 boundary agreement may provide a process for annexation



228236

214 consistent with this section or with part I.

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

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

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

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

240 Section 6. Paragraph (f) of subsection (2) of section
241 377.709, Florida Statutes, is amended to read:

242 377.709 Funding by electric utilities of local governmental



228236

243 solid waste facilities that generate electricity.-

244 (2) DEFINITIONS.-As used in this section, the term:

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

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

254 487.048 Dealer's license; records.-

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



228236

272 distribution of the restricted-use pesticide is to keep it from
273 becoming a hazardous waste as defined in s. 403.703 ~~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.