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LEGISLATIVE ACTION

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

1 **Senate Substitute for Amendment (193212) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Present subsections (2) and (3) of section
7 403.703, Florida Statutes, are renumbered as subsections (3) and
8 (2), respectively, present subsections (10) through (22) are
9 renumbered as subsections (11) through (23), respectively,
10 subsection (23) is renumbered as subsection (25), present



234994

11 subsections (24) through (43) are renumbered as subsections (28)
12 through (47), respectively, present subsections (27), (32), and
13 (35) are amended, and new subsections (10), (24), (26), and (27)
14 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 post-use
17 polymers are heated and converted to synthesis gas in an oxygen-
18 deficient atmosphere, and then converted to crude oil, fuels, or
19 chemical feedstocks.

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

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

33 (a) Crude oil, diesel, gasoline, home heating oil, or
34 another fuel.

35 (b) Feedstocks.

36 (c) Diesel and gasoline blendstocks.

37 (d) Chemicals, waxes, or lubricants.

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

39 (27) "Pyrolysis facility" means a facility that receives,



234994

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

44 (31)-(27) "Recycling" means any process by which solid
45 waste, or materials that would otherwise become solid waste, are
46 collected, separated, or processed and reused or returned to use
47 in the form of raw materials or intermediate or final products.
48 Such raw materials or intermediate or final products include,
49 but are not limited to, crude oil, fuels, and fuel substitutes.

50 (36)-(32) "Solid waste" means sludge unregulated under the
51 federal Clean Water Act or Clean Air Act, sludge from a waste
52 treatment works, water supply treatment plant, or air pollution
53 control facility, or garbage, rubbish, refuse, special waste, or
54 other discarded material, including solid, liquid, semisolid, or
55 contained gaseous material resulting from domestic, industrial,
56 commercial, mining, agricultural, or governmental operations.
57 Recovered materials as defined in subsection (28) and post-use
58 polymers as defined in subsection (24) are not solid waste.

59 (39)-(35) "Solid waste management facility" means any solid
60 waste disposal area, volume reduction plant, transfer station,
61 materials recovery facility, or other facility, the purpose of
62 which is resource recovery or the disposal, recycling,
63 processing, or storage of solid waste. The term does not include
64 recovered materials processing facilities or pyrolysis
65 facilities that meet the requirements of s. 403.7046, except the
66 portion of such facilities, if any, which is used for the
67 management of solid waste.

68 Section 2. Subsection (1) of section 403.7045, Florida



234994

69 Statutes, is amended to read:

70 403.7045 Application of act and integration with other
71 acts.—

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

74 (a) Byproduct material, source material, and special
75 nuclear material, the generation, transportation, disposal,
76 storage, or treatment of which is regulated under chapter 404 or
77 the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat. 923,
78 as amended.†

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

83 (c) Emissions to the air from a stationary installation or
84 source regulated under this chapter or the Clean Air Act, Pub.
85 L. No. 95-95.†

86 (d) Drilling fluids, produced waters, and other wastes
87 associated with the exploration for, or development and
88 production of, crude oil or natural gas which are regulated
89 under chapter 377.†~~or~~

90 (e) Recovered materials, post-use polymers, ~~or~~ recovered
91 materials processing facilities, or pyrolysis facilities, except
92 as provided in s. 403.7046, if:

93 1. A majority of the recovered materials or post-use
94 polymers at the facility are demonstrated to be sold, used, or
95 reused within 1 year. As used in this subparagraph, the terms
96 “used” or “reused” include, but are not limited to, the
97 conversion of post-use polymers into crude oil, fuels,



234994

98 feedstocks, or other raw materials or intermediate or final
99 products by gasification or pyrolysis, as defined in s. 403.703.

100 2. The recovered materials or post-use polymers handled by
101 the facility or the products or byproducts of operations that
102 process recovered materials or post-use polymers are not
103 discharged, deposited, injected, dumped, spilled, leaked, or
104 placed into or upon any land or water by the owner or operator
105 of the such facility so that the such recovered materials or
106 post-use polymers, products or byproducts, or any constituent
107 thereof may enter other lands or be emitted into the air or
108 discharged into any waters, including groundwaters, or otherwise
109 enter the environment such that a threat of contamination in
110 excess of applicable department standards and criteria is
111 caused.

112 3. The recovered materials or post-use polymers handled by
113 the facility are not hazardous wastes as defined in under s.
114 403.703, and rules adopted under this section promulgated
115 pursuant thereto.

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

117 (f) Industrial byproducts, if:

118 1. A majority of the industrial byproducts are demonstrated
119 to be sold, used, or reused within 1 year.

120 2. The industrial byproducts are not discharged, deposited,
121 injected, dumped, spilled, leaked, or placed upon any land or
122 water so that such industrial byproducts, or any constituent
123 thereof, may enter other lands or be emitted into the air or
124 discharged into any waters, including groundwaters, or otherwise
125 enter the environment such that a threat of contamination in
126 excess of applicable department standards and criteria or a



234994

127 significant threat to public health is caused.

128 3. The industrial byproducts are not hazardous wastes as
129 defined in ~~under~~ s. 403.703 and rules adopted under this
130 section.

131
132 Sludge from an industrial waste treatment works that meets the
133 exemption requirements of this paragraph is not solid waste as
134 defined in s. 403.703 ~~s. 403.703(32)~~.

135 Section 3. Subsection (1) of section 403.7046, Florida
136 Statutes, and paragraph (b) of subsection (3) of that section,
137 are amended to read:

138 403.7046 Regulation of recovered materials.—

139 (1) Any person who handles, purchases, receives, recovers,
140 sells, or is an end user of recovered materials or post-use
141 polymers shall annually certify to the department on forms
142 provided by the department. The department may by rule exempt
143 from this requirement generators of recovered materials or post-
144 use polymers; persons who handle or sell recovered materials or
145 post-use polymers as an activity which is incidental to the
146 normal primary business activities of that person; or persons
147 who handle, purchase, receive, recover, sell, or are end users
148 of recovered materials or post-use polymers in small quantities
149 as defined by the department. The department shall adopt rules
150 for the certification of and reporting by such persons and shall
151 establish criteria for revocation of such certification. Such
152 rules shall be designed to elicit, at a minimum, the amount and
153 types of recovered materials or post-use polymers handled by
154 registrants, and the amount and disposal site, or name of person
155 with whom such disposal was arranged, of any solid waste



234994

156 generated by such facility. By February 1 of each year,
157 registrants shall report all required information to the
158 department and to all counties from which it received materials.
159 Such rules may provide for the department to conduct periodic
160 inspections. The department may charge a fee of up to \$50 for
161 each registration, which shall be deposited into the Solid Waste
162 Management Trust Fund for implementation of the program.

163 (3) Except as otherwise provided in this section or
164 pursuant to a special act in effect on or before January 1,
165 1993, a local government may not require a commercial
166 establishment that generates source-separated recovered
167 materials to sell or otherwise convey its recovered materials to
168 the local government or to a facility designated by the local
169 government, nor may the local government restrict such a
170 generator's right to sell or otherwise convey such recovered
171 materials to any properly certified recovered materials dealer
172 who has satisfied the requirements of this section. A local
173 government may not enact any ordinance that prevents such a
174 dealer from entering into a contract with a commercial
175 establishment to purchase, collect, transport, process, or
176 receive source-separated recovered materials.

177 (b)1. Before engaging in business within the jurisdiction
178 of the local government, a recovered materials dealer or
179 pyrolysis facility must provide the local government with a copy
180 of the certification provided for in this section. In addition,
181 the local government may establish a registration process
182 whereby a recovered materials dealer or pyrolysis facility must
183 register with the local government before engaging in business
184 within the jurisdiction of the local government. Such



234994

185 registration process is limited to requiring the dealer or
186 pyrolysis facility to register its name, including the owner or
187 operator of the dealer or pyrolysis facility, and, if the dealer
188 or pyrolysis facility is a business entity, its general or
189 limited partners, its corporate officers and directors, its
190 permanent place of business, evidence of its certification under
191 this section, and a certification that the recovered materials
192 or post-use polymers will be processed at a recovered materials
193 processing facility or pyrolysis facility satisfying the
194 requirements of this section. The local government may not use
195 the information provided in the registration application to
196 compete unfairly with the recovered materials dealer until 90
197 days after receipt of the application. All counties, and
198 municipalities whose population exceeds 35,000 according to the
199 population estimates determined pursuant to s. 186.901, may
200 establish a reporting process that must be limited to the
201 regulations, reporting format, and reporting frequency
202 established by the department pursuant to this section, which
203 must, at a minimum, include requiring the dealer or pyrolysis
204 facility to identify the types and approximate amount of
205 recovered materials or post-use polymers collected, recycled, or
206 reused during the reporting period; the approximate percentage
207 of recovered materials or post-use polymers reused, stored, or
208 delivered to a recovered materials processing facility or
209 pyrolysis facility or disposed of in a solid waste disposal
210 facility; and the locations where any recovered materials or
211 post-use polymers were disposed of as solid waste. The local
212 government may charge the dealer or pyrolysis facility a
213 registration fee commensurate with and no greater than the cost



234994

214 incurred by the local government in operating its registration
215 program. Registration program costs are limited to those costs
216 associated with the activities described in this subparagraph.
217 Any reporting or registration process established by a local
218 government with regard to recovered materials or post-use
219 polymers is governed by this section and department rules
220 adopted pursuant thereto.

221 2. Information reported under this subsection which, if
222 disclosed, would reveal a trade secret, as defined in s.
223 812.081, is confidential and exempt from s. 119.07(1) and s.
224 24(a), Art. I of the State Constitution. This subparagraph is
225 subject to the Open Government Sunset Review Act in accordance
226 with s. 119.15 and shall stand repealed on October 2, 2021,
227 unless reviewed and saved from repeal through reenactment by the
228 Legislature.

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

231 171.205 Consent requirements for annexation of land under
232 this part.—Notwithstanding part I, an interlocal service
233 boundary agreement may provide a process for annexation
234 consistent with this section or with part I.

235 (2) If the area to be annexed includes a privately owned
236 solid waste disposal facility as defined in s. 403.703 ~~s.~~
237 ~~403.703(33)~~ which receives municipal solid waste collected
238 within the jurisdiction of multiple local governments, the
239 annexing municipality must set forth in its plan the effects
240 that the annexation of the solid waste disposal facility will
241 have on the other local governments. The plan must also indicate
242 that the owner of the affected solid waste disposal facility has



234994

243 been contacted in writing concerning the annexation, that an
244 agreement between the annexing municipality and the solid waste
245 disposal facility to govern the operations of the solid waste
246 disposal facility if the annexation occurs has been approved,
247 and that the owner of the solid waste disposal facility does not
248 object to the proposed annexation.

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

251 316.003 Definitions.—The following words and phrases, when
252 used in this chapter, shall have the meanings respectively
253 ascribed to them in this section, except where the context
254 otherwise requires:

255 (28) HAZARDOUS MATERIAL.—Any substance or material which
256 has been determined by the secretary of the United States
257 Department of Transportation to be capable of imposing an
258 unreasonable risk to health, safety, and property. This term
259 includes hazardous waste as defined in s. 403.703 ~~s.~~
260 ~~403.703(13)~~.

261 Section 6. Paragraph (f) of subsection (2) of section
262 377.709, Florida Statutes, is amended to read:

263 377.709 Funding by electric utilities of local governmental
264 solid waste facilities that generate electricity.—

265 (2) DEFINITIONS.—As used in this section, the term:

266 (f) "Solid waste facility" means a facility owned or
267 operated by, or on behalf of, a local government for the purpose
268 of disposing of solid waste, as ~~that term is~~ defined in s.
269 403.703 ~~s. 403.703(32)~~, by any process that produces heat and
270 incorporates, as a part of the facility, the means of converting
271 heat to electrical energy in amounts greater than actually



234994

272 required for the operation of the facility.

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

275 487.048 Dealer's license; records.—

276 (1) Each person holding or offering for sale, selling, or
277 distributing restricted-use pesticides must obtain a dealer's
278 license from the department. Application for the license shall
279 be filed with the department by using a form prescribed by the
280 department or by using the department's website. The license
281 must be obtained before entering into business or transferring
282 ownership of a business. The department may require examination
283 or other proof of competency of individuals to whom licenses are
284 issued or of individuals employed by persons to whom licenses
285 are issued. Demonstration of continued competency may be
286 required for license renewal, as set by rule. The license shall
287 be renewed annually as provided by rule. An annual license fee
288 not exceeding \$250 shall be established by rule. However, a user
289 of a restricted-use pesticide may distribute unopened containers
290 of a properly labeled pesticide to another user who is legally
291 entitled to use that restricted-use pesticide without obtaining
292 a pesticide dealer license. The exclusive purpose of
293 distribution of the restricted-use pesticide is to keep it from
294 becoming a hazardous waste as defined in s. 403.703 ~~s.~~
295 ~~403.703(13)~~.

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

297
298 ===== T I T L E A M E N D M E N T =====

299 And the title is amended as follows:

300 Delete everything before the enacting clause



234994

301 and insert:

302 A bill to be entitled
303 An act relating to resource recovery and management;
304 amending s. 403.703, F.S.; defining the terms
305 "gasification," "post-use polymer," "pyrolysis," and
306 "pyrolysis facility" and revising definitions;
307 amending s. 403.7045, F.S.; providing that certain
308 pyrolysis facilities are exempt from certain resource
309 recovery regulations; conforming a cross-reference;
310 amending s. 403.7046, F.S.; requiring certain handlers
311 of post-use polymers to certify to the Department of
312 Environmental Protection; revising rule requirements
313 relating to such certification; authorizing recovered
314 materials dealers to use pyrolysis facilities for
315 recovered materials or post-use polymers processing;
316 amending ss. 171.205, 316.003, 377.709, and 487.048,
317 F.S.; conforming cross-references; providing an
318 effective date.