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576-03824-17

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on the Environment and Natural
Resources)

A bill to be entitled

An act relating to resource recovery and management;
amending s. 403.703, F.S.; defining the terms
"gasification," "post-use polymer," "pyrolysis," and
"pyrolysis facility" and revising definitions;
amending s. 403.7045, F.S.; providing that certain
pyrolysis facilities are exempt from certain resource
recovery regulations; conforming a cross-reference;
amending s. 403.7046, F.S.; requiring certain handlers
of post-use polymers to certify to the Department of
Environmental Protection; revising rule requirements
relating to such certification; authorizing recovered
materials dealers to use pyrolysis facilities for
recovered materials or post-use polymers processing;
amending ss. 171.205, 316.003, 377.709, and 487.048,
F.S.; conforming cross-references; providing an
effective date.

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

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



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

30 403.703 Definitions.—As used in this part, the term:

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

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

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

48 (a) Crude oil, diesel, gasoline, home heating oil, or
49 another fuel.

50 (b) Feedstocks.

51 (c) Diesel and gasoline blendstocks.

52 (d) Chemicals, waxes, or lubricants.

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

54 (27) "Pyrolysis facility" means a facility that receives,
55 separates, stores, and converts post-use polymers, using



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56 gasification or pyrolysis. A pyrolysis facility meeting the
57 conditions of s. 403.7045(1)(e) is not a solid waste management
58 facility.

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

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

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

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



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85 403.7045 Application of act and integration with other
86 acts.—

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

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

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

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

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

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

108 1. A majority of the recovered materials or post-use
109 polymers at the facility are demonstrated to be sold, used, or
110 reused within 1 year. As used in this subparagraph, the terms
111 "used" or "reused" include, but are not limited to, the
112 conversion of post-use polymers into crude oil, fuels,
113 feedstocks, or other raw materials or intermediate or final



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114 products by gasification or pyrolysis, as defined in s. 403.703.

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

127 3. The recovered materials or post-use polymers handled by
128 the facility are not hazardous wastes as defined in ~~under~~ s.
129 403.703~~7~~ and rules adopted under this section ~~promulgated~~
130 ~~pursuant thereto~~.

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

132 (f) Industrial byproducts, if:

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

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



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143 3. The industrial byproducts are not hazardous wastes as
144 defined in ~~under~~ s. 403.703 and rules adopted under this
145 section.

146
147 Sludge from an industrial waste treatment works that meets the
148 exemption requirements of this paragraph is not solid waste as
149 defined in s. 403.703 ~~s. 403.703(32)~~.

150 Section 3. Subsection (1) of section 403.7046, Florida
151 Statutes, and paragraph (b) of subsection (3) of that section,
152 are amended to read:

153 403.7046 Regulation of recovered materials.-

154 (1) Any person who handles, purchases, receives, recovers,
155 sells, or is an end user of recovered materials or post-use
156 polymers shall annually certify to the department on forms
157 provided by the department. The department may by rule exempt
158 from this requirement generators of recovered materials or post-
159 use polymers; persons who handle or sell recovered materials or
160 post-use polymers as an activity which is incidental to the
161 normal primary business activities of that person; or persons
162 who handle, purchase, receive, recover, sell, or are end users
163 of recovered materials or post-use polymers in small quantities
164 as defined by the department. The department shall adopt rules
165 for the certification of and reporting by such persons and shall
166 establish criteria for revocation of such certification. Such
167 rules shall be designed to elicit, at a minimum, the amount and
168 types of recovered materials or post-use polymers handled by
169 registrants, and the amount and disposal site, or name of person
170 with whom such disposal was arranged, of any solid waste
171 generated by such facility. By February 1 of each year,



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172 registrants shall report all required information to the
173 department and to all counties from which it received materials.
174 Such rules may provide for the department to conduct periodic
175 inspections. The department may charge a fee of up to \$50 for
176 each registration, which shall be deposited into the Solid Waste
177 Management Trust Fund for implementation of the program.

178 (3) Except as otherwise provided in this section or
179 pursuant to a special act in effect on or before January 1,
180 1993, a local government may not require a commercial
181 establishment that generates source-separated recovered
182 materials to sell or otherwise convey its recovered materials to
183 the local government or to a facility designated by the local
184 government, nor may the local government restrict such a
185 generator's right to sell or otherwise convey such recovered
186 materials to any properly certified recovered materials dealer
187 who has satisfied the requirements of this section. A local
188 government may not enact any ordinance that prevents such a
189 dealer from entering into a contract with a commercial
190 establishment to purchase, collect, transport, process, or
191 receive source-separated recovered materials.

192 (b)1. Before engaging in business within the jurisdiction
193 of the local government, a recovered materials dealer or
194 pyrolysis facility must provide the local government with a copy
195 of the certification provided for in this section. In addition,
196 the local government may establish a registration process
197 whereby a recovered materials dealer or pyrolysis facility must
198 register with the local government before engaging in business
199 within the jurisdiction of the local government. Such
200 registration process is limited to requiring the dealer or



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



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230 program. Registration program costs are limited to those costs
231 associated with the activities described in this subparagraph.
232 Any reporting or registration process established by a local
233 government with regard to recovered materials or post-use
234 polymers is governed by this section and department rules
235 adopted pursuant thereto.

236 2. Information reported under this subsection which, if
237 disclosed, would reveal a trade secret, as defined in s.
238 812.081, is confidential and exempt from s. 119.07(1) and s.
239 24(a), Art. I of the State Constitution. This subparagraph is
240 subject to the Open Government Sunset Review Act in accordance
241 with s. 119.15 and shall stand repealed on October 2, 2021,
242 unless reviewed and saved from repeal through reenactment by the
243 Legislature.

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

246 171.205 Consent requirements for annexation of land under
247 this part.—Notwithstanding part I, an interlocal service
248 boundary agreement may provide a process for annexation
249 consistent with this section or with part I.

250 (2) If the area to be annexed includes a privately owned
251 solid waste disposal facility as defined in s. 403.703 ~~s.~~
252 ~~403.703(33)~~ which receives municipal solid waste collected
253 within the jurisdiction of multiple local governments, the
254 annexing municipality must set forth in its plan the effects
255 that the annexation of the solid waste disposal facility will
256 have on the other local governments. The plan must also indicate
257 that the owner of the affected solid waste disposal facility has
258 been contacted in writing concerning the annexation, that an



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259 agreement between the annexing municipality and the solid waste
260 disposal facility to govern the operations of the solid waste
261 disposal facility if the annexation occurs has been approved,
262 and that the owner of the solid waste disposal facility does not
263 object to the proposed annexation.

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

266 316.003 Definitions.—The following words and phrases, when
267 used in this chapter, shall have the meanings respectively
268 ascribed to them in this section, except where the context
269 otherwise requires:

270 (28) HAZARDOUS MATERIAL.—Any substance or material which
271 has been determined by the secretary of the United States
272 Department of Transportation to be capable of imposing an
273 unreasonable risk to health, safety, and property. This term
274 includes hazardous waste as defined in s. 403.703 ~~s.~~
275 ~~403.703(13)~~.

276 Section 6. Paragraph (f) of subsection (2) of section
277 377.709, Florida Statutes, is amended to read:

278 377.709 Funding by electric utilities of local governmental
279 solid waste facilities that generate electricity.—

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

281 (f) "Solid waste facility" means a facility owned or
282 operated by, or on behalf of, a local government for the purpose
283 of disposing of solid waste, as ~~that term is~~ defined in s.
284 403.703 ~~s. 403.703(32)~~, by any process that produces heat and
285 incorporates, as a part of the facility, the means of converting
286 heat to electrical energy in amounts greater than actually
287 required for the operation of the facility.



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

290 487.048 Dealer's license; records.—

291 (1) Each person holding or offering for sale, selling, or
292 distributing restricted-use pesticides must obtain a dealer's
293 license from the department. Application for the license shall
294 be filed with the department by using a form prescribed by the
295 department or by using the department's website. The license
296 must be obtained before entering into business or transferring
297 ownership of a business. The department may require examination
298 or other proof of competency of individuals to whom licenses are
299 issued or of individuals employed by persons to whom licenses
300 are issued. Demonstration of continued competency may be
301 required for license renewal, as set by rule. The license shall
302 be renewed annually as provided by rule. An annual license fee
303 not exceeding \$250 shall be established by rule. However, a user
304 of a restricted-use pesticide may distribute unopened containers
305 of a properly labeled pesticide to another user who is legally
306 entitled to use that restricted-use pesticide without obtaining
307 a pesticide dealer license. The exclusive purpose of
308 distribution of the restricted-use pesticide is to keep it from
309 becoming a hazardous waste as defined in s. 403.703 ~~s.~~
310 ~~403.703(13)~~.

311 Section 8. This act shall take effect July 1, 2017.
312