

By the Committee on Environmental Preservation and Conservation;
and Senator Perry

592-03010-17

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1 A bill to be entitled
2 An act relating to resource recovery and management;
3 amending s. 403.703, F.S.; revising definitions;
4 defining the terms "gasification," "post-use polymer,"
5 "pyrolysis," and "pyrolysis facility"; amending s.
6 403.7045, F.S.; providing that certain pyrolysis
7 facilities are exempt from certain resource recovery
8 regulations; conforming a cross-reference; amending s.
9 403.7046, F.S.; authorizing recovered materials
10 dealers to use pyrolysis facilities for recovered
11 materials processing; amending ss. 171.205, 316.003,
12 377.709, and 487.048, F.S.; conforming cross-
13 references; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Present subsections (2) and (3) of section
18 403.703, Florida Statutes, are redesignated as subsections (3)
19 and (2), respectively, present subsections (10) through (22) of
20 that section are redesignated as subsections (11) through (23),
21 respectively, present subsection (23) of that section is
22 redesignated as subsection (25), present subsections (24)
23 through (43) of that section are redesignated as subsections
24 (28) through (47), respectively, present subsections (27), (32),
25 and (35) of that section are amended, and new subsections (10),
26 (24), (26), and (27) are added to that section, to read:

27 403.703 Definitions.—As used in this part, the term:

28 (10) "Gasification" means a process through which post-use
29 polymers are heated and converted to synthesis gas in an oxygen-

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30 deficient atmosphere, and then converted to crude oil, fuels, or
31 chemical feedstocks.

32 (24) "Post-use polymer" means a plastic polymer that is
33 derived from any domestic, commercial, or municipal activity;
34 that is not recycled in commercial markets; and may otherwise
35 become waste if not converted to manufacture crude oil, fuels,
36 or other raw materials or intermediate or final products using
37 gasification or pyrolysis. A post-use polymer may contain
38 incidental contaminants or impurities such as paper labels or
39 metal rings.

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

44 (a) Crude oil, diesel, gasoline, home heating oil, or
45 another fuel;

46 (b) Feedstocks;

47 (c) Diesel and gasoline blendstocks;

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

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

50 (27) "Pyrolysis facility" means a facility that receives,
51 separates, stores, and converts post-use polymers, using
52 gasification or pyrolysis. A pyrolysis facility meeting the
53 conditions of s. 403.7045(1) (e) is not a solid waste management
54 facility.

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.

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59 Such raw materials or intermediate or final products may
60 include, but are not limited to, crude oil, fuels, and fuel
61 substitutes.

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

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

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

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

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

86 (a) Byproduct material, source material, and special
87 nuclear material, the generation, transportation, disposal,

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88 storage, or treatment of which is regulated under chapter 404 or
89 the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat. 923,
90 as amended;

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

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

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

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

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

111 2. The recovered materials handled by the facility or the
112 products or byproducts of operations that process recovered
113 materials are not discharged, deposited, injected, dumped,
114 spilled, leaked, or placed into or upon any land or water by the
115 owner or operator of the ~~such~~ facility so that the ~~such~~
116 recovered materials, products or byproducts, or any constituent

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117 thereof may enter other lands or be emitted into the air or
118 discharged into any waters, including groundwaters, or otherwise
119 enter the environment such that a threat of contamination in
120 excess of applicable department standards and criteria is
121 caused.

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

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

126 (f) Industrial byproducts, if:

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

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

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

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

144 Section 3. Paragraph (b) of subsection (3) of section
145 403.7046, Florida Statutes, is amended to read:

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146 403.7046 Regulation of recovered materials.—

147 (3) Except as otherwise provided in this section or
148 pursuant to a special act in effect on or before January 1,
149 1993, a local government may not require a commercial
150 establishment that generates source-separated recovered
151 materials to sell or otherwise convey its recovered materials to
152 the local government or to a facility designated by the local
153 government, nor may the local government restrict such a
154 generator's right to sell or otherwise convey such recovered
155 materials to any properly certified recovered materials dealer
156 who has satisfied the requirements of this section. A local
157 government may not enact any ordinance that prevents such a
158 dealer from entering into a contract with a commercial
159 establishment to purchase, collect, transport, process, or
160 receive source-separated recovered materials.

161 (b)1. Before engaging in business within the jurisdiction
162 of the local government, a recovered materials dealer must
163 provide the local government with a copy of the certification
164 provided for in this section. In addition, the local government
165 may establish a registration process whereby a recovered
166 materials dealer must register with the local government before
167 engaging in business within the jurisdiction of the local
168 government. Such registration process is limited to requiring
169 the dealer to register its name, including the owner or operator
170 of the dealer, and, if the dealer is a business entity, its
171 general or limited partners, its corporate officers and
172 directors, its permanent place of business, evidence of its
173 certification under this section, and a certification that the
174 recovered materials will be processed at a recovered materials

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175 processing facility or pyrolysis facility satisfying the
176 requirements of this section. The local government may not use
177 the information provided in the registration application to
178 compete unfairly with the recovered materials dealer until 90
179 days after receipt of the application. All counties, and
180 municipalities whose population exceeds 35,000 according to the
181 population estimates determined pursuant to s. 186.901, may
182 establish a reporting process that must be limited to the
183 regulations, reporting format, and reporting frequency
184 established by the department pursuant to this section, which
185 must, at a minimum, include requiring the dealer to identify the
186 types and approximate amount of recovered materials collected,
187 recycled, or reused during the reporting period; the approximate
188 percentage of recovered materials reused, stored, or delivered
189 to a recovered materials processing facility or pyrolysis
190 facility or disposed of in a solid waste disposal facility; and
191 the locations where any recovered materials were disposed of as
192 solid waste. The local government may charge the dealer a
193 registration fee commensurate with and no greater than the cost
194 incurred by the local government in operating its registration
195 program. Registration program costs are limited to those costs
196 associated with the activities described in this subparagraph.
197 Any reporting or registration process established by a local
198 government with regard to recovered materials is governed by
199 this section and department rules adopted pursuant thereto.

200 2. Information reported under this subsection which, if
201 disclosed, would reveal a trade secret, as defined in s.
202 812.081, is confidential and exempt from s. 119.07(1) and s.
203 24(a), Art. I of the State Constitution. This subparagraph is

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204 subject to the Open Government Sunset Review Act in accordance
205 with s. 119.15 and shall stand repealed on October 2, 2021,
206 unless reviewed and saved from repeal through reenactment by the
207 Legislature.

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

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

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

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

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

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233 otherwise requires:

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

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 ~~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

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

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

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