

**By** the Committees on Appropriations; and Environmental Preservation and Conservation; and Senator Perry

576-04384-17

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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.; defining the terms  
4           "gasification," "post-use polymer," "pyrolysis," and  
5           "pyrolysis facility" and revising definitions;  
6           amending s. 403.7045, F.S.; providing that certain  
7           pyrolysis facilities are exempt from certain resource  
8           recovery regulations; conforming a cross-reference;  
9           amending s. 403.7046, F.S.; requiring certain handlers  
10          of post-use polymers to certify to the Department of  
11          Environmental Protection; revising rule requirements  
12          relating to such certification; authorizing recovered  
13          materials dealers to use pyrolysis facilities for  
14          recovered materials or post-use polymers processing;  
15          amending ss. 171.205, 316.003, 377.709, and 487.048,  
16          F.S.; conforming cross-references; providing an  
17          effective date.

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

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

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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  
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.

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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:

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

87        (1) The following wastes or activities may ~~shall~~ not be

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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  
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

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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.

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

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

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

403.7046 Regulation of recovered materials.—

(1) Any person who handles, purchases, receives, recovers, sells, or is an end user of recovered materials or post-use polymers shall annually certify to the department on forms provided by the department. The department may by rule exempt from this requirement generators of recovered materials or post-use polymers; persons who handle or sell recovered materials or post-use polymers as an activity which is incidental to the normal primary business activities of that person; or persons who handle, purchase, receive, recover, sell, or are end users of recovered materials or post-use polymers in small quantities as defined by the department. The department shall adopt rules for the certification of and reporting by such persons and shall establish criteria for revocation of such certification. Such rules shall be designed to elicit, at a minimum, the amount and types of recovered materials or post-use polymers handled by registrants, and the amount and disposal site, or name of person with whom such disposal was arranged, of any solid waste generated by such facility. By February 1 of each year, registrants shall report all required information to the department and to all counties from which it received materials. Such rules may provide for the department to conduct periodic

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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  
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

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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  
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



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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  
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,

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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.

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

290 487.048 Dealer's license; records.—

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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.