

By Senator Baxley

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20171288__

1 A bill to be entitled
2 An act relating to recovered materials; amending s.
3 403.703, F.S.; providing and revising definitions;
4 providing that specified materials are not solid
5 waste; amending ss. 171.205, 377.709, 403.7045, F.S.;
6 conforming cross-references; providing an effective
7 date.

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

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11 Section 1. Subsections (2) and (3) of section 403.703,
12 Florida Statutes, are renumbered as subsections (3) and (2),
13 respectively, subsections (22) through (43) are renumbered as
14 subsections (23) through (44), respectively, present subsections
15 (24) and (32) of that section are amended, and a new subsection
16 (22) is added to that section, to read:

17 403.703 Definitions.—As used in this part, the term:

18 (22) "Organic materials" means any vegetative or animal
19 materials or byproducts that will decompose through aerobic or
20 anaerobic processes. The term does not include materials that
21 have been chemically treated or coated to resist decomposition.

22 (25) ~~(24)~~ "Recovered materials" means metal, paper, glass,
23 plastic, textile, ~~or~~ rubber, wood, asphalt, concrete, or organic
24 materials that have known recycling potential, can be feasibly
25 recycled, and have been diverted and source separated or have
26 been removed from the solid waste stream for sale, use, or reuse
27 as raw materials, whether or not the materials require
28 subsequent processing or separation from each other, but the
29 term does not include materials destined for any use that

12-01263-17

20171288__

30 constitutes disposal. Recovered materials as described in this
31 subsection are not solid waste.

32 (33)~~(32)~~ "Solid waste" means sludge unregulated under the
33 federal Clean Water Act or Clean Air Act, sludge from a waste
34 treatment works, water supply treatment plant, or air pollution
35 control facility, or garbage, rubbish, refuse, special waste, or
36 other discarded material, including solid, liquid, semisolid, or
37 contained gaseous material resulting from domestic, industrial,
38 commercial, mining, agricultural, or governmental operations.
39 Recovered materials as defined in subsection (25)~~(24)~~ are not
40 solid waste.

41 Section 2. Subsection (2) of section 171.205, Florida
42 Statutes, is amended to read:

43 171.205 Consent requirements for annexation of land under
44 this part.—Notwithstanding part I, an interlocal service
45 boundary agreement may provide a process for annexation
46 consistent with this section or with part I.

47 (2) If the area to be annexed includes a privately owned
48 solid waste disposal facility as defined in s. 403.703(34) ~~s.~~
49 ~~403.703(33)~~ which receives municipal solid waste collected
50 within the jurisdiction of multiple local governments, the
51 annexing municipality must set forth in its plan the effects
52 that the annexation of the solid waste disposal facility will
53 have on the other local governments. The plan must also indicate
54 that the owner of the affected solid waste disposal facility has
55 been contacted in writing concerning the annexation, that an
56 agreement between the annexing municipality and the solid waste
57 disposal facility to govern the operations of the solid waste
58 disposal facility if the annexation occurs has been approved,

12-01263-17

20171288__

59 and that the owner of the solid waste disposal facility does not
60 object to the proposed annexation.

61 Section 3. Paragraph (f) of subsection (2) of section
62 377.709, Florida Statutes, is amended to read:

63 377.709 Funding by electric utilities of local governmental
64 solid waste facilities that generate electricity.—

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

66 (f) "Solid waste facility" means a facility owned or
67 operated by, or on behalf of, a local government for the purpose
68 of disposing of solid waste, as that term is defined in s.
69 403.703(33) ~~s. 403.703(32)~~, by any process that produces heat
70 and incorporates, as a part of the facility, the means of
71 converting heat to electrical energy in amounts greater than
72 actually required for the operation of the facility.

73 Section 4. Paragraph (f) of subsection (1) of section
74 403.7045, Florida Statutes, is amended to read:

75 403.7045 Application of act and integration with other
76 acts.—

77 (1) The following wastes or activities shall not be
78 regulated pursuant to this act:

79 (f) Industrial byproducts, if:

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

82 2. The industrial byproducts are not discharged, deposited,
83 injected, dumped, spilled, leaked, or placed upon any land or
84 water so that such industrial byproducts, or any constituent
85 thereof, may enter other lands or be emitted into the air or
86 discharged into any waters, including groundwaters, or otherwise
87 enter the environment such that a threat of contamination in

12-01263-17

20171288__

88 excess of applicable department standards and criteria or a
89 significant threat to public health is caused.

90 3. The industrial byproducts are not hazardous wastes as
91 defined under s. 403.703 and rules adopted under this section.

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93 Sludge from an industrial waste treatment works that meets the
94 exemption requirements of this paragraph is not solid waste as
95 defined in s. 403.703(33) ~~s. 403.703(32)~~.

96 Section 5. This act shall take effect July 1, 2017.