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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SEN1/C
05/03/2017 10:31 AM	.	05/05/2017 01:23 PM
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Senator Perry moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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,  
present subsection (23) is renumbered as subsection (25),  
present subsections (24) through (43) are renumbered as  
subsections (28) through (47), respectively, present subsections



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12 (27), (32), and (35) of that section are amended, and new  
13 subsections (10), (24), (26), and (27) are added to that  
14 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,  
40 separates, stores, and converts post-use polymers, using



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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  
69 Statutes, is amended to read:



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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,  
98 feedstocks, or other raw materials or intermediate or final



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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~~7~~, 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  
127 significant threat to public health is caused.



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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) and paragraph (b) of subsection  
136 (3) of section 403.7046, Florida Statutes, are amended to read:

137

403.7046 Regulation of recovered materials.-

138

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



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157 department and to all counties from which it received materials.  
158 Such rules may provide for the department to conduct periodic  
159 inspections. The department may charge a fee of up to \$50 for  
160 each registration, which shall be deposited into the Solid Waste  
161 Management Trust Fund for implementation of the program.

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

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



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





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215 associated with the activities described in this subparagraph.  
216 Any reporting or registration process established by a local  
217 government with regard to recovered materials or post-use  
218 polymers is governed by this section and department rules  
219 adopted pursuant thereto.

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

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

230 171.205 Consent requirements for annexation of land under  
231 this part.—Notwithstanding part I, an interlocal service  
232 boundary agreement may provide a process for annexation  
233 consistent with this section or with part I.

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



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244 disposal facility to govern the operations of the solid waste  
245 disposal facility if the annexation occurs has been approved,  
246 and that the owner of the solid waste disposal facility does not  
247 object to the proposed annexation.

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

250 316.003 Definitions.—The following words and phrases, when  
251 used in this chapter, shall have the meanings respectively  
252 ascribed to them in this section, except where the context  
253 otherwise requires:

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

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

262 377.709 Funding by electric utilities of local governmental  
263 solid waste facilities that generate electricity.—

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

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

272 Section 7. Subsection (1) of section 487.048, Florida



273 Statutes, is amended to read:

274 487.048 Dealer's license; records.—

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

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

296  
297 ===== T I T L E A M E N D M E N T =====

298 And the title is amended as follows:

299 Delete everything before the enacting clause  
300 and insert:

301 A bill to be entitled



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