

1 A bill to be entitled
 2 An act relating to resource recovery and management;
 3 amending s. 403.703, F.S.; providing and revising
 4 definitions; amending s. 403.7045, F.S.; revising
 5 criteria for exempting recovered materials and
 6 recovered materials processing facilities from
 7 specified regulations; amending ss. 171.205, 316.003,
 8 377.709, and 487.048, F.S.; conforming cross-
 9 references; providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Subsections (2) and (3) of section 403.703,
 14 Florida Statutes, are renumbered as subsections (3) and (2),
 15 respectively, subsections (10) through (22) are renumbered as
 16 subsections (11) through (23), respectively, subsection (23) is
 17 renumbered as subsection (25), subsections (24) through (43) are
 18 renumbered as subsections (28) through (47), respectively,
 19 present subsections (24), (25), (27), and (32) are amended, and
 20 new subsections (10), (24), (26), and (27) are added to that
 21 section, to read:

22 403.703 Definitions.—As used in this part, the term:

23 (10) "Gasification" means a process through which post-use
 24 polymers are heated and converted to synthesis gas in an oxygen-
 25 deficient atmosphere, and then converted to fuel or chemical

26 feedstocks.

27 (24) "Post-use polymer" means a polymer that is derived
28 from any domestic, commercial, or municipal activity and
29 recycled in commercial markets which might otherwise become
30 waste if not converted to manufacture fuels or other raw
31 materials or intermediate or final products using gasification,
32 pyrolysis, or another thermal conversion process. A post-use
33 polymer as defined in this subsection may contain incidental
34 contaminants such as paper labels or metal rings.

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

- 39 (a) Diesel, gasoline, home heating oil, or another fuel;
40 (b) Feedstocks;
41 (c) Diesel and gasoline blendstocks;
42 (d) Chemicals, waxes, or lubricants; or
43 (e) Other raw materials or intermediate or final products.

44 (27) "Pyrolysis facility" means a facility that collects,
45 separates, stores, and converts post-use polymers using
46 gasification, pyrolysis, or another thermal conversion process.
47 A pyrolysis facility as defined in this subsection is not a
48 waste management facility.

49 (28)~~(24)~~ "Recovered materials" means metal, paper, glass,
50 plastic, textile, or rubber materials that have known recycling

51 potential, can be feasibly recycled, and have been diverted and
52 source separated or have been removed from the solid waste
53 stream for sale, use, or reuse as raw materials, whether or not
54 the materials require subsequent processing or separation from
55 each other, and include post-use polymers that are converted to
56 manufacture fuels or other raw materials or intermediate or
57 final products using gasification, pyrolysis, or another thermal
58 conversion process. ~~but~~ The term does not include materials
59 destined for any use that constitutes disposal. Recovered
60 materials as defined ~~described~~ in this subsection are not solid
61 waste.

62 ~~(29)-(25)~~ "Recovered materials processing facility" means a
63 facility, including a pyrolysis facility, engaged solely in the
64 storage, processing, recycling, resale, or reuse of recovered
65 materials. ~~Such~~ A recovered materials processing facility as
66 defined in this subsection is not a solid waste management
67 facility if it meets the conditions of s. 403.7045(1)(e).

68 ~~(31)-(27)~~ "Recycling" means any process by which solid
69 waste, or materials that would otherwise become solid waste, are
70 collected, separated, or processed and reused or returned to use
71 in the form of raw materials or intermediate or final products,
72 including, but not limited to, fuel and fuel substitutes.

73 ~~(36)-(32)~~ "Solid waste" means sludge unregulated under the
74 federal Clean Water Act or Clean Air Act, sludge from a waste
75 treatment works, water supply treatment plant, or air pollution

76 control facility, or garbage, rubbish, refuse, special waste, or
 77 other discarded material, including solid, liquid, semisolid, or
 78 contained gaseous material resulting from domestic, industrial,
 79 commercial, mining, agricultural, or governmental operations.
 80 Recovered materials as defined in subsection (28)~~(24)~~ are not
 81 solid waste.

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

84 403.7045 Application of act and integration with other
 85 acts.—

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

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

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

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

100 (d) Drilling fluids, produced waters, and other wastes

101 associated with the exploration for, or development and
 102 production of, crude oil or natural gas which are regulated
 103 under chapter 377; or

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

106 1. A majority of the recovered materials at the facility
 107 are demonstrated to be sold, used, or reused within 1 year. As
 108 used in this subparagraph, the term "used or reused" includes
 109 the conversion of recovered materials by gasification or
 110 pyrolysis, as defined in s. 403.703, or by another thermal
 111 conversion process.

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

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

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

127 (f) Industrial byproducts, if:

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

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

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

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

145 Section 3. Subsection (2) of section 171.205, Florida
146 Statutes, is amended to read:

147 171.205 Consent requirements for annexation of land under
148 this part.—Notwithstanding part I, an interlocal service
149 boundary agreement may provide a process for annexation
150 consistent with this section or with part I.

151 (2) If the area to be annexed includes a privately owned
152 solid waste disposal facility as defined in s. 403.703
153 ~~403.703(33)~~ which receives municipal solid waste collected
154 within the jurisdiction of multiple local governments, the
155 annexing municipality must set forth in its plan the effects
156 that the annexation of the solid waste disposal facility will
157 have on the other local governments. The plan must also indicate
158 that the owner of the affected solid waste disposal facility has
159 been contacted in writing concerning the annexation, that an
160 agreement between the annexing municipality and the solid waste
161 disposal facility to govern the operations of the solid waste
162 disposal facility if the annexation occurs has been approved,
163 and that the owner of the solid waste disposal facility does not
164 object to the proposed annexation.

165 Section 4. Subsection (28) of section 316.003, Florida
166 Statutes, is amended to read:

167 316.003 Definitions.—The following words and phrases, when
168 used in this chapter, shall have the meanings respectively
169 ascribed to them in this section, except where the context
170 otherwise requires:

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

176 Section 5. Paragraph (f) of subsection (2) of section
 177 377.709, Florida Statutes, is amended to read:

178 377.709 Funding by electric utilities of local
 179 governmental solid waste facilities that generate electricity.—

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

181 (f) "Solid waste facility" means a facility owned or
 182 operated by, or on behalf of, a local government for the purpose
 183 of disposing of solid waste, as ~~that term is~~ defined in s.
 184 403.703 ~~403.703(32)~~, by any process that produces heat and
 185 incorporates, as a part of the facility, the means of converting
 186 heat to electrical energy in amounts greater than actually
 187 required for the operation of the facility.

188 Section 6. Subsection (1) of section 487.048, Florida
 189 Statutes, is amended to read:

190 487.048 Dealer's license; records.—

191 (1) Each person holding or offering for sale, selling, or
 192 distributing restricted-use pesticides must obtain a dealer's
 193 license from the department. Application for the license shall
 194 be filed with the department by using a form prescribed by the
 195 department or by using the department's website. The license
 196 must be obtained before entering into business or transferring
 197 ownership of a business. The department may require examination
 198 or other proof of competency of individuals to whom licenses are
 199 issued or of individuals employed by persons to whom licenses
 200 are issued. Demonstration of continued competency may be

201 required for license renewal, as set by rule. The license shall
202 be renewed annually as provided by rule. An annual license fee
203 not exceeding \$250 shall be established by rule. However, a user
204 of a restricted-use pesticide may distribute unopened containers
205 of a properly labeled pesticide to another user who is legally
206 entitled to use that restricted-use pesticide without obtaining
207 a pesticide dealer license. The exclusive purpose of
208 distribution of the restricted-use pesticide is to keep it from
209 becoming a hazardous waste as defined in s. 403.703 ~~403.703(13)~~.

210 Section 7. This act shall take effect July 1, 2017.