

By Senator Baxley

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1                   A bill to be entitled  
2           An act relating to the management of storm-generated  
3           debris and solid waste; amending s. 403.703, F.S.;  
4           revising the definition of "recovered materials" to  
5           include certain wood, asphalt, and concrete materials;  
6           amending s. 403.7071, F.S.; specifying that the  
7           Governor may also order or proclaim storm events that  
8           result in certain storm-generated debris provisions;  
9           requiring local governments to suspend exclusive  
10          contracts for the collection, hauling, staging, or  
11          disposal of storm-generated debris and solid waste  
12          under certain conditions; prohibiting local  
13          governments from entering into and extending such  
14          contracts after a specified date; providing  
15          applicability; providing a directive to the Division  
16          of Law Revision and Information; providing an  
17          effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21           Section 1. Subsection (28) of section 403.703, Florida  
22           Statutes, is amended to read:

23           403.703 Definitions.—As used in this part, the term:  
24           (28) "Recovered materials" means metal, paper, glass,  
25           plastic, textile, ~~or~~ rubber, wood, asphalt, or concrete  
26           materials that have known recycling potential, can be feasibly  
27           recycled, and have been diverted and source separated or have  
28           been removed from the solid waste stream for sale, use, or reuse  
29           as raw materials, whether or not the materials require

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30 subsequent processing or separation from each other, but the  
31 term does not include materials destined for any use that  
32 constitutes disposal. Recovered materials as described in this  
33 subsection are not solid waste.

34 Section 2. Section 403.7071, Florida Statutes, is amended  
35 to read:

36 403.7071 Management of storm-generated debris.—Solid waste  
37 generated as a result of a storm event that is the subject of an  
38 executive order or proclamation of the Governor or an emergency  
39 order issued by the department may be managed as follows:

40 (1) Recycling and reuse of storm-generated vegetative  
41 debris is encouraged to the greatest extent practicable. Such  
42 recycling and reuse must be conducted in accordance with  
43 applicable department rules and may include, but is not limited  
44 to, chipping and grinding of the vegetative debris to be  
45 beneficially used as a ground cover or soil amendment, compost,  
46 or as a combustible fuel for any applicable commercial or  
47 industrial application.

48 (2) The department may issue field authorizations for  
49 staging areas in those counties affected by a storm event. Such  
50 staging areas may be used for the temporary storage and  
51 management of storm-generated debris, including the chipping,  
52 grinding, or burning of vegetative debris. Field authorizations  
53 may include specific conditions for the operation and closure of  
54 the staging area and must specify the date that closure is  
55 required. To the greatest extent possible, staging areas may not  
56 be located in wetlands or other surface waters. The area that is  
57 used or affected by a staging area must be fully restored upon  
58 cessation of the use of the area.

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59 (3) Storm-generated vegetative debris managed at a staging  
60 area may be disposed of in a permitted lined or unlined  
61 landfill, a permitted land clearing debris facility, a permitted  
62 or certified waste-to-energy facility, or a permitted  
63 construction and demolition debris disposal facility. Vegetative  
64 debris may also be managed at a permitted waste processing  
65 facility or a registered yard trash processing facility.

66 (4) Construction and demolition debris that is mixed with  
67 other storm-generated debris need not be segregated from other  
68 solid waste before disposal in a lined landfill. Construction  
69 and demolition debris that is source separated or is separated  
70 from other hurricane-generated debris at an authorized staging  
71 area, or at another area permitted or specifically authorized by  
72 the department, may be managed at a permitted construction and  
73 demolition debris disposal facility, a Class III landfill, or a  
74 recycling facility upon approval by the department of the  
75 methods and operational practices used to inspect the waste  
76 during segregation.

77 (5) Unsalvageable refrigerators and freezers containing  
78 solid waste, such as rotting food, which may create a sanitary  
79 nuisance may be disposed of in a permitted lined landfill;  
80 however, chlorofluorocarbons and capacitors must be removed and  
81 recycled to the greatest extent practicable.

82 (6) A local government or its agent ~~Local governments or~~  
83 ~~their agents~~ may conduct the burning of storm-generated yard  
84 trash, other storm-generated vegetative debris, or untreated  
85 wood from construction and demolition debris in air-curtain  
86 incinerators without prior notice to the department. Within 10  
87 days after commencing such burning, the local government shall

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88 notify the department in writing describing the general nature  
89 of the materials burned; the location and method of burning; and  
90 the name, address, and telephone number of the representative of  
91 the local government to contact concerning the work. The  
92 operator of the air-curtain incinerator is subject to any  
93 requirement of the Florida Forest Service or of any other agency  
94 concerning authorization to conduct open burning. Any person  
95 conducting open burning of vegetative debris is also subject to  
96 such requirements.

97 (7) A local government must suspend any exclusive contracts  
98 for the collection, hauling, staging, or disposal of storm-  
99 generated debris or commercial or residential solid waste if the  
100 local government reasonably determines that the contractor will  
101 not be able to provide the contracted level of service or that  
102 the contracted level of service is expected to be insufficient  
103 to meet the needs of the local government. After the effective  
104 date of this act, a local government may not enter into a new  
105 exclusive contract or extend an existing exclusive contract for  
106 the collection, hauling, staging, or disposal of storm-generated  
107 debris. This subsection does not impair, void, or cause the  
108 modification of any contract entered into on or before the  
109 effective date of this act between a local government and an  
110 exclusive contractor or franchisee.

111 Section 3. The Division of Law Revision and Information is  
112 directed to replace the phrase "the effective date of this act"  
113 wherever it occurs in this act with the date the act becomes a  
114 law.

115 Section 4. This act shall take effect upon becoming a law.