

By Senator Cruz

18-01915-21

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1                   A bill to be entitled  
2           An act relating to the recycling of organic waste  
3           material; amending s. 403.703, F.S.; defining terms;  
4           creating s. 403.7044, F.S.; requiring certain  
5           commercial waste generators and certain institutions  
6           of higher education, beginning on specified dates and  
7           under certain circumstances, to ensure that their  
8           organic waste materials are separated and recycled at  
9           specified recycling facilities; providing an exception  
10          for commercial waste generators or institutions of  
11          higher education that perform composting of or treat  
12          organic waste material onsite; amending s. 403.707,  
13          F.S.; conforming cross-references; providing an  
14          effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. Present subsections (1) through (5), (6) through  
19           (22), and (23) through (47) of section 403.703, Florida  
20           Statutes, are redesignated as subsections (2) through (6), (10)  
21           through (26), and (28) through (52), respectively, new  
22           subsections (1), (7), (8), (9), and (27) are added to that  
23           section, and present subsection (35) is amended, to read:

24           403.703 Definitions.—As used in this part, the term:  
25           (1) "Anaerobic digestion" means the process by which  
26           biological decomposition of organic products is carried out  
27           under controlled anaerobic conditions, which stabilizes the  
28           organic fraction into a material that can be easily and safely  
29           stored, handled, and used in an environmentally acceptable

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30 manner.

31 (7) "Commercial waste generator" means any commercial food  
32 wholesaler or distributor, industrial food manufacturer or  
33 processor, supermarket, resort or conference center, banquet  
34 hall, restaurant, religious institution, military installation,  
35 prison, corporation, hospital or other medical care institution,  
36 or casino.

37 (8) "Composting" means the process by which biological  
38 decomposition of organic solid waste is carried out under  
39 controlled aerobic conditions, which stabilizes the organic  
40 fraction into a material that can be easily and safely stored,  
41 handled, and used in an environmentally acceptable manner. The  
42 presence of anaerobic zones within the composting material does  
43 not affect the classification of the process as composting.

44 (9) "Composting facility" means a solid waste management  
45 facility where solid waste is processed using composting  
46 technology, which may include physical turning, windrowing,  
47 aeration, or other mechanical handling of the organic matter.

48 (27) "Organic waste material" means the portion of the  
49 solid waste stream which is organic material, including, but not  
50 limited to, food scraps, food processing residue, and soiled or  
51 unrecyclable paper that has been separated from nonorganic  
52 material.

53 (40)~~(35)~~ "Solid waste" means sludge unregulated under the  
54 federal Clean Water Act or Clean Air Act, sludge from a waste  
55 treatment works, water supply treatment plant, or air pollution  
56 control facility, or garbage, rubbish, refuse, special waste, or  
57 other discarded material, including solid, liquid, semisolid, or  
58 contained gaseous material resulting from domestic, industrial,

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59 commercial, mining, agricultural, or governmental operations.  
60 Post-use polymers as defined in subsection (29) and recovered  
61 materials as defined in subsection (33) ~~(28)~~ and ~~post-use~~  
62 ~~polymers as defined in subsection (24)~~ are not solid waste.

63 Section 2. Section 403.7044, Florida Statutes, is created  
64 to read:

65 403.7044 Required recycling of organic waste material.-

66 (1) Any commercial waste generator or institution of higher  
67 education at which organic waste material is generated shall:

68 (a) Beginning January 1, 2022, ensure that such material  
69 generated onsite is separated from other solid waste material  
70 and recycled at a composting facility or a facility that uses  
71 anaerobic digestion if:

72 1. The commercial waste generator or institution generates  
73 more than 104 tons per year of organic waste material;

74 2. The commercial waste generator or institution is located  
75 within 15 miles of the facility; and

76 3. The facility has available capacity to accept such  
77 material.

78 (b) Beginning January 1, 2024, ensure that such material  
79 generated onsite is separated from other solid waste material  
80 and recycled at a composting facility or a facility that uses  
81 anaerobic digestion if:

82 1. The commercial waste generator or institution generates  
83 more than 52 tons per year of organic waste material;

84 2. The commercial waste generator or institution is located  
85 within 15 miles of the facility; and

86 3. The facility has available capacity to accept such  
87 material.

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88       (2) This section does not apply to a commercial waste  
89 generator or institution of higher education that performs  
90 composting of organic waste material onsite or treats organic  
91 waste material onsite using organic treatment equipment  
92 authorized by state or federal law.

93       Section 3. Paragraph (j) of subsection (9) of section  
94 403.707, Florida Statutes, is amended to read:

95       403.707 Permits.—

96       (9) The department shall establish a separate category for  
97 solid waste management facilities that accept only construction  
98 and demolition debris for disposal or recycling. The department  
99 shall establish a reasonable schedule for existing facilities to  
100 comply with this section to avoid undue hardship to such  
101 facilities. However, a permitted solid waste disposal unit that  
102 receives a significant amount of waste prior to the compliance  
103 deadline established in this schedule shall not be required to  
104 be retrofitted with liners or leachate control systems.

105       (j) The Legislature recognizes that recycling, waste  
106 reduction, and resource recovery are important aspects of an  
107 integrated solid waste management program and as such are  
108 necessary to protect the public health and the environment. If  
109 necessary to promote such an integrated program, the county may  
110 determine, after providing notice and an opportunity for a  
111 hearing prior to April 30, 2008, that some or all of the  
112 material described in s. 403.703 ~~s. 403.703(6)(b)~~ shall be  
113 excluded from the definition of "construction and demolition  
114 debris" in s. 403.703 ~~s. 403.703(6)~~ within the jurisdiction of  
115 such county. The county may make such a determination only if it  
116 finds that, prior to June 1, 2007, the county has established an

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117 adequate method for the use or recycling of such wood material  
118 at an existing or proposed solid waste management facility that  
119 is permitted or authorized by the department on June 1, 2007.  
120 The county is not required to hold a hearing if the county  
121 represents that it previously has held a hearing for such  
122 purpose, or if the county represents that it previously has held  
123 a public meeting or hearing that authorized such method for the  
124 use or recycling of trash or other nonputrescible waste  
125 materials and that such materials include those materials  
126 described in s. 403.703 ~~s. 403.703(6)(b)~~. The county shall  
127 provide written notice of its determination to the department by  
128 no later than April 30, 2008; thereafter, the materials  
129 described in s. 403.703 ~~s. 403.703(6)~~ shall be excluded from the  
130 definition of "construction and demolition debris" in s. 403.703  
131 ~~s. 403.703(6)~~ within the jurisdiction of such county. The county  
132 may withdraw or revoke its determination at any time by  
133 providing written notice to the department.

134 Section 4. This act shall take effect July 1, 2021.