

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

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BILL: SB 1156

INTRODUCER: Senator Stewart

SUBJECT: Study to Establish a Statewide Long-term Recycling Goal

DATE: January 28, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	<b>Pre-meeting</b>
2.			AEG	
3.			AP	

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**I. Summary:**

SB 1156 directs the Department of Environmental Protection (DEP) to conduct a study on the establishment of a new long-term recycling goal for state and local governmental entities, private companies and organizations, and the general public to achieve by 2030. The bill directs DEP to submit a report of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill requires the study to provide a progress update on the 2020 recycling goal, to update any data compiled from the 2020 goal, and to recommend the implementation of policies from other states' successful recycling programs.

**II. Present Situation:**

**Florida's Recycling Goal**

In 2008, in recognition of the volume of waste generated by Floridians and visitors every year and the value of some of these discarded commodities, the Legislature set a statewide goal to recycle at least 75 percent of the municipal solid waste that would otherwise be disposed of in waste management facilities, landfills, or incineration facilities by 2020.<sup>1</sup> The Department of Environmental Protection (DEP) has established numerous programs and initiatives to reach that goal.<sup>2</sup> In 2010, the Legislature established the interim goals that counties must pursue leading up to 2020.<sup>3</sup>

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<sup>1</sup> Section 403.7032, F.S.; Ch. 2008-227, s. 95, Laws of Fla.; see Department of Environmental Protection (DEP), *Final Report, Florida and the 2020 75% Recycling Goal*, 2 (2020), available at <https://floridadep.gov/waste/permitting-compliance-assistance/documents/75-recycling-goal-final-report>.

<sup>2</sup> DEP, *Recycling*, <http://www.dep.state.fl.us/waste/categories/recycling/default.htm> (last visited Jan. 27, 2022).

<sup>3</sup> Section 403.706(2)(a), F.S.

In those years when the recycling rate does not meet the statutory thresholds for these interim goals, DEP must provide a report to the President of the Senate and the Speaker of the House of Representatives.<sup>4</sup> This report must identify those additional programs or statutory changes needed to achieve the state's recycling goals.<sup>5</sup> Florida achieved the interim recycling goals established for 2012 and 2014, but Florida's recycling rate for 2016 was 56 percent, falling short of the interim recycling goal of 60 percent by 2017.<sup>6</sup> Since 2016, Florida's statewide recycling rate exhibited a general decline.<sup>7</sup> In 2020 the recycling rate was only 50 percent, falling short of the 75 percent goal.<sup>8</sup>

In 2020 alone, Florida residents and tourists generated municipal solid waste (MSW) equivalent to over two tons per resident.<sup>9</sup> That is above the national average of about one ton per resident per year, since Florida's MSW calculations per resident do not include the number of tourists, as measured by the U.S. Environmental Protection Agency and other states. There is no universal methodology for measuring progress toward recycling goals, which makes it difficult to compare states' recycling rates. Florida's recycling goal includes only MSW, meaning that waste from industrial, agricultural, and mining operations and wastewater treatment sludge, is excluded from the calculations.<sup>10</sup> The goal is also measured by weight, which pushed counties to recycle heavy materials, rather than traditional recyclables like metal cans and plastic bottles.<sup>11</sup>

The Florida Recycling Workgroup and a group of local governments have provided recycling ideas and recommendations, which include:

- Replacing the weight-based 75% goal;
- Transitioning to a goal or set of goals that are better indicators of program performance and desired environmental and economic outcomes;
- Focusing on developing recycling markets, education and outreach, and funding and incentives to support local government recycling efforts.<sup>12</sup>

DEP has recommended convening a technical assistance group that will include the Florida Recycling Workgroup, local governments, and any interested parties to develop a comprehensive waste reduction and recycling program for Florida.<sup>13</sup> The plan will implement stakeholder recommendations by:

- Identifying a set of recycling goals that use sustainable materials management and waste diversion concepts;
- Developing objectives and proposing a three-year plan to develop a recycling market, education and outreach, and local government assistance; and
- Proposing statutory language to implement the revised recycling goals and strategies.<sup>14</sup>

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<sup>4</sup> Section 403.706(2)(e), F.S.; *see* s. 403.705(3), F.S. DEP must evaluate and report biennially to the President of the Senate and the Speaker of the House on the state's success in meeting the solid waste recycling goal in s. 403.706(2), F.S.

<sup>5</sup> Section 403.706(2)(e), F.S.

<sup>6</sup> DEP, *Final Report, Florida and the 2020 75% Recycling Goal* at 2.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 8.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 3.

<sup>12</sup> *Id.* at 4.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

## Local Government Solid Waste Responsibilities

Each Florida county has the responsibility and authority to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county.<sup>15</sup> Counties may charge reasonable fees for the handling and disposal of solid waste at their facilities.<sup>16</sup> Municipalities are responsible for collecting and transporting solid waste from their jurisdictions to a solid waste disposal facility operated by a county or operated under a contract with a county.<sup>17</sup> Under Florida law, “recycling” is defined as “any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or intermediate or final products.”<sup>18</sup>

Each Florida county must have a recyclable materials recycling program that has a goal of recycling 40 percent of recyclable solid waste by December 31, 2012; 50 percent by December 31, 2014; 60 percent by December 31, 2016; 70 percent by December 31, 2018; and 75 percent by December 31, 2020.<sup>19</sup> These programs must be designed to recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling:

- Newspapers.
- Aluminum cans.
- Steel cans.
- Glass.
- Plastic bottles.
- Cardboard.
- Office paper.
- Yard trash.<sup>20</sup>

Each county must ensure, to the maximum extent possible, that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs through interlocal agreements or other means provided by law.<sup>21</sup> Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs.<sup>22</sup> Certain activities are eligible for special credit towards achieving a county’s recycling goals, including the use of solid waste as a fuel in a renewable energy facility, the innovative use of yard trash or other clean wood waste or paper waste, and providing opportunities to recycle in counties with smaller populations.<sup>23</sup> To assess progress, counties must

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<sup>15</sup> Section 403.706(1), F.S. Municipalities may also be authorized to construct and operate solid waste disposal facilities, if certain statutory requirements are met; Fla. Admin. Code Ch. 62-701.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Section 403.703(31), F.S.

<sup>19</sup> Section 403.706(2)(a), F.S. These are interim goals to help Florida reach the goal of recycling at least 75% of municipal solid waste by 2020; Ch. 2010-143, s. 7, Laws of Fla.; *see also* s. 403.7032(2), F.S.

<sup>20</sup> Section 403.706(2)(f), F.S.

<sup>21</sup> Section 403.706(3), F.S.

<sup>22</sup> Section 403.706(2)(a), F.S.

<sup>23</sup> Section 403.706(4), F.S.

provide information on their solid waste management programs and recycling activities to DEP by April 1 of each year.<sup>24</sup>

“Municipal solid waste” includes any solid waste, except for sludge, resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service.<sup>25</sup> The term includes yard trash but does not include solid waste from industrial, mining, or agricultural operations. DEP may reduce or modify the municipal solid waste recycling goal that a county is required to achieve if the county demonstrates to DEP that:

- The achievement of the goal would have an adverse effect on the financial obligations of the county that are directly related to the county’s waste-to-energy facility; and
- The county cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.<sup>26</sup>

The goal may only be reduced or modified to the extent necessary to alleviate the adverse effects on the financial viability of a county’s waste-to-energy facility.<sup>27</sup>

In the development and implementation of a curbside recyclable materials collection program, a county or municipality must enter into negotiations with a franchisee who is operating to exclusively collect solid waste within a service area of a county or municipality to undertake curbside recyclable materials collection responsibilities for a county or municipality.<sup>28</sup> Local governments are authorized to enact ordinances that require and direct all residential properties, multifamily dwellings, and apartment complexes and industrial, commercial, and institutional establishments as defined by the local government to establish programs for the separation of recyclable materials designated by the local government.<sup>29</sup> Local governments are authorized to provide for the collection of the recyclable materials. A market must exist for the recyclable materials, and the local government must specifically intend for them to be recycled.<sup>30</sup> Such ordinances may include, but are not limited to, prohibiting any person from knowingly disposing of recyclable materials designated by the local government, and ensuring the collection of recovered materials as necessary to protect public health and safety.<sup>31</sup>

A local government may not:

- Require a commercial establishment that generates source-separated recovered materials to sell or otherwise convey its recovered materials to the local government or to a facility designated by the local government;
- Restrict such a generator’s right to sell or otherwise convey such recovered materials to any properly certified recovered materials dealer who has satisfied the statutory requirements; or

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<sup>24</sup> Section 403.706(7), F.S.; Fla. Admin. Code R. 62-716.450.

<sup>25</sup> Section 403.706(5), F.S.

<sup>26</sup> Section 403.706(6), F.S.

<sup>27</sup> *Id.*

<sup>28</sup> Section 403.706(9), F.S.

<sup>29</sup> Section 403.706(21), F.S.

<sup>30</sup> *Id.*

<sup>31</sup> Section 403.706(21), F.S.

- Enact any ordinance that prevents such a dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or receive source-separated recovered materials.<sup>32</sup>

Local governments may require a commercial establishment to source-separate the recovered materials generated on the premises.<sup>33</sup>

### Recycling Market Challenges

Until 2017, China consumed about 70 percent of the recycled paper and plastic in the world, including millions of tons of recycling from the U.S.<sup>34</sup> In 2018, China banned the import of 24 recyclable materials, such as post-consumer plastics and mixed paper, and also announced a 0.5 percent contamination standard for most recyclables not named in the ban.<sup>35</sup> The ban was later expanded to include post-industrial plastics and a variety of scrap metals, and China implemented pre-shipment inspection requirements for inbound loads of scrap material.<sup>36</sup> The ban has caused shipments of recyclables to other Southeast Asian countries to increase dramatically, resulting in nations including Malaysia, Indonesia, Thailand, and Vietnam enacting policies restricting the import of recyclable materials.<sup>37</sup>

In Florida, local governments struggle with issues like the rising costs of processing and high contamination rates.<sup>38</sup> Many local governments use single stream recycling programs.<sup>39</sup> These programs allow all accepted recyclables to be placed in a single, curbside recycling cart, comingling materials from paper and plastic bottles to metal cans and glass containers.<sup>40</sup> While single stream recycling programs have been successful in increasing residential participation, they have hurt recycling markets by increasing contamination.<sup>41</sup>

<sup>32</sup> Section 403.7046(3), F.S.

<sup>33</sup> Section 403.7046(3)(a), F.S.

<sup>34</sup> National Waste & Recycling Association, *Issue Brief: China's Changing Policies on Important Recyclables*, 1 (Apr. 2018), available at [https://c.yimcdn.com/sites/wasterecycling.siteym.com/resource/resmgr/files/issue\\_brief/China%27s\\_Changing\\_Policies\\_on.pdf](https://c.yimcdn.com/sites/wasterecycling.siteym.com/resource/resmgr/files/issue_brief/China%27s_Changing_Policies_on.pdf); Cheryl Katz, *Piling Up: How China's Ban on Importing Waste Has Stalled Global Recycling*, Yale Environment 360 (March 7, 2019), <https://e360.yale.edu/features/piling-up-how-chinas-ban-on-importing-waste-has-stalled-global-recycling> (last visited Jan. 27, 2022).

<sup>35</sup> Resource Recycling, *From Green Fence to Red Alert: A China Timeline*, <https://resource-recycling.com/recycling/2018/02/13/green-fence-red-alert-china-timeline/> (last visited Jan. 27, 2022).

<sup>36</sup> *Id.*; see Resource Recycling, *China Reiterates Total Ban and Tries to Define "Solid Waste"* (Apr. 9, 2019), <https://resource-recycling.com/recycling/2019/04/09/china-reiterates-total-ban-and-tries-to-define-solid-waste/> (last visited Jan. 27, 2022). China is planning a total ban on virtually all recovered material imports.

<sup>37</sup> Resource Recycling, *From Green Fence to Red Alert: A China Timeline*; Christopher Joyce, *Where Will Your Plastic Trash Go Now That China Doesn't Want It?* (Mar. 13, 2019), <https://www.npr.org/sections/goatsandsoda/2019/03/13/702501726/where-will-your-plastic-trash-go-now-that-china-doesnt-want-it> (last visited Jan. 27, 2022).

<sup>38</sup> Waste Dive, *How Recycling is Changing in All 50 States* (June 5, 2019), <https://www.wastedive.com/news/what-chinese-import-policies-mean-for-all-50-states/510751/> (last visited Jan. 27, 2022); DEP, *Rethink, Reset, Recycle*, <http://floridarecycles.org/#:~:text=Floridians%20are%20contaminating%20their%20home%20recycling%20bins%20with,pizza%20boxes%2C%20thin%20plastic%20packaging%20and%20much%20more> (last visited Jan. 27, 2022).

<sup>39</sup> DEP, *Final Report, Florida and the 2020 75% Recycling Goal* at 13.

<sup>40</sup> DEP, *Volume I – Report, Florida and the 2020 75% Recycling Goal*, 13 (2017), available at [https://floridadep.gov/sites/default/files/FinalRecyclingReportVolume1\\_0\\_0.pdf](https://floridadep.gov/sites/default/files/FinalRecyclingReportVolume1_0_0.pdf) (last visited Jan. 27, 2022).

<sup>41</sup> DEP, *Final Report, Florida and the 2020 75% Recycling Goal* at 13.

The closure of foreign export markets led to a disruption in the U.S. recycling industry.<sup>42</sup> In Florida, recycling haulers and material recovery facilities compensated for this change by partnering with state and municipalities to focus on eliminating contamination and by shifting overall sales to domestic markets.<sup>43</sup> Because of this shift, the average price of mixed recyclables dropped from \$60/ton in 2018 to \$47/ton in 2020. There were fluctuations in the price of mixed recyclables during that two-year period due to the expansion of domestic markets, however the final average reflected a 21 percent decrease.<sup>44</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 403.7032, F.S., to direct the Department of Environmental Protection (DEP) to conduct a study on the establishment of a new long-term recycling goal for state and local governmental entities, private companies and organizations, and the general public to achieve by 2030.

The bill requires that the study:

- Provide an update on the progress that was made in the recycling goal that was set for 2020, including any challenges experienced or successes achieved in reaching that goal;
- Update any data compiled by DEP in establishing the 2020 goal; and
- Consider successful recycling programs in other states and provide recommendations for the implementation of such policies in this state.

The bill provides that upon the study's completion, DEP must submit a report of the results of the study and any policy recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

**Section 2** provides an effective date of July 1, 2022.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>42</sup> Waste Dive, *How Recycling is Changing in All 50 States* (June 5, 2019), <https://www.wastedive.com/news/what-chinese-import-policies-mean-for-all-50-states/510751/> (last visited Jan. 27, 2022)

<sup>43</sup> DEP, *Final Report, Florida and the 2020 75% Recycling Goal* at 13.

<sup>44</sup> *Id.*

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Environmental Protection may incur costs in conducting the study on the establishment of a new long-term recycling goal.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 403.7032 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.