



26 (2) The Legislature declares it to be in the public  
 27 interest to find alternative ways to use certain recyclable  
 28 materials that currently are part of the solid waste stream and  
 29 that contribute to problems of declining space in landfills. To  
 30 determine the feasibility of using certain recyclable materials  
 31 for paving materials, the department may undertake demonstration  
 32 projects using all of the following materials in road  
 33 construction:

34 (a) Ground rubber from automobile tires in road  
 35 resurfacing or subbase materials for roads.~~†~~

36 (b) Ash residue from coal combustion byproducts for  
 37 concrete and ash residue from waste incineration facilities and  
 38 oil combustion byproducts for subbase material.~~†~~

39 (c) Recycled mixed-plastic material for guardrail posts or  
 40 right-of-way fence posts.~~†~~

41 (d) Construction steel, including reinforcing rods and I-  
 42 beams, manufactured from scrap metals disposed of in the state.~~†~~  
 43 ~~and~~

44 (e) Glass~~†~~ and glass aggregates.

45 (f) Phosphogypsum from phosphate production in road  
 46 construction aggregate material.

47 Section 2. Section 337.02611, Florida Statutes, is created  
 48 to read:

49 337.02611 Phosphogypsum as a construction aggregate  
 50 material; study.-

51       (1) The department shall conduct a study to evaluate the  
 52 suitability of using phosphogypsum as a construction aggregate  
 53 material as defined in s. 337.0261(1). The department may  
 54 consider any prior or ongoing studies of phosphogypsum's road  
 55 suitability in the fulfillment of this duty. The study and a  
 56 determination of suitability must be completed by April 1, 2024.

57       (2) Upon a determination of suitability by the department,  
 58 phosphogypsum from phosphate production may be used as a  
 59 construction aggregate material in accordance with the  
 60 conditions of the United States Environmental Protection Agency  
 61 approval for the use.

62       Section 3. Paragraph (f) of subsection (1) of section  
 63 403.7045, Florida Statutes, is amended to read:

64       403.7045 Application of act and integration with other  
 65 acts.—

66       (1) The following wastes or activities may not be  
 67 regulated pursuant to this act:

68       (f) Industrial byproducts, if:

69       1. A majority of the industrial byproducts are  
 70 demonstrated to be sold, used, or reused within 1 year;~~;~~

71       2. The industrial byproducts are not discharged,  
 72 deposited, injected, dumped, spilled, leaked, or placed upon any  
 73 land or water so that such industrial byproducts, or any  
 74 constituent thereof, may enter other lands or be emitted into  
 75 the air or discharged into any waters, including groundwaters,

76 | or otherwise enter the environment such that a threat of  
77 | contamination in excess of applicable department standards and  
78 | criteria or a significant threat to public health is caused;  
79 | and.

80 |         3. The industrial byproducts are not hazardous wastes as  
81 | defined in s. 403.703 and rules adopted under this section.

82 |  
83 | Sludge from an industrial waste treatment works that meets the  
84 | exemption requirements of this paragraph is not solid waste as  
85 | defined in s. 403.703. Phosphogypsum used in accordance with an  
86 | allowed use expressly specified in United States Environmental  
87 | Protection Agency regulations or pursuant to an express United  
88 | States Environmental Protection Agency approval for the specific  
89 | use is not solid waste as defined in s. 403.703 and is an  
90 | allowed use in the state. Phosphogypsum may be placed in a  
91 | phosphogypsum stack system permitted by the department under ss.  
92 | 403.4154 and 403.4155.

93 |         Section 4. This act shall take effect July 1, 2023.