

BILL

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to environmental protection; amending s.
 3 320.08058, F.S.; requiring that the proceeds of the fees
 4 paid for Wildflower license plates be distributed to the
 5 Florida Wildflower Foundation, Inc.; specifying uses of
 6 the proceeds; requiring that such proceeds be distributed
 7 to the Department of Agriculture and Consumer Services
 8 under certain circumstances; amending s. 403.413, F.S.;
 9 clarifying who is liable for dumping under the Florida
 10 Litter Law; amending s. 403.4131, F.S.; deleting the
 11 provisions relating to Keep Florida Beautiful, Inc.;
 12 encouraging additional counties to develop a regional
 13 approach to coordinating litter control and prevention
 14 programs; deleting certain requirements for litter
 15 reduction and a litter survey; deleting the provisions
 16 relating to the Wildflower Advisory Council; amending s.
 17 403.41315, F.S.; conforming provisions to changes made to
 18 the Keep Florida Beautiful, Inc., program; amending s.
 19 403.4133, F.S.; placing the Adopt-a-Shore Program within
 20 the Department of Environmental Protection; amending s.
 21 403.703, F.S.; reordering definitions in alphabetical
 22 order; clarifying certain definitions and deleting
 23 definitions that are not used; amending s. 403.704, F.S.;
 24 deleting obsolete provisions relating to the state solid
 25 waste management program; amending s. 403.7043, F.S.;
 26 deleting obsolete and conflicting provisions relating to
 27 compost standards; amending s. 403.7045, F.S.; prohibiting
 28 the regulation of industrial byproducts under certain
 29 circumstances; conforming a cross-reference; clarifying

BILL ORIGINAL YEAR

30 provisions governing dredged material; amending s.
 31 403.705, F.S., relating to the state solid waste
 32 management program; conforming a cross-reference; amending
 33 s. 403.7061, F.S.; authorizing the Department of
 34 Environmental Protection to initiate rulemaking regarding
 35 waste-to-energy facilities; deleting a requirement to
 36 initiate such rulemaking; amending s. 403.707, F.S.;
 37 authorizing the Department of Environmental Preservation
 38 to exempt certain facilities from the requirement for a
 39 permit; authorizing the department to include certain
 40 licenses in a permit; deleting certain obsolete
 41 provisions; removing a requirement concerning groundwater
 42 monitoring of certain facilities; extending the time
 43 period for a public hearing when a local government seeks
 44 to exempt certain material from the definition of
 45 construction and demolition debris; specifying conditions,
 46 following the transfer of ownership or control of a solid
 47 waste facility, which must be met before the transferee
 48 may operate the facility; specifying criteria concerning
 49 an application to the Department of Environmental
 50 Protection to transfer an operating permit for a solid
 51 waste facility; specifying responsibilities for complying
 52 with permit requirements, including financial-assurance
 53 requirements, when ownership or control of a solid waste
 54 facility is transferred; authorizing rulemaking by the
 55 department; creating s. 403.7071, F.S.; providing for the
 56 management and disposal of certain storm-generated debris;
 57 amending s. 403.708, F.S.; deleting obsolete provisions
 58 and clarifying provisions governing landfills; amending s.

BILL

ORIGINAL

YEAR

59 | 403.709, F.S.; revising the provisions relating to the
60 | distribution of the waste tire fees for litter prevention
61 | and control; providing for expiration and enforcement of a
62 | lien on real property concerning compliance with waste-
63 | tire requirements; amending s. 403.7095, F.S., relating to
64 | the solid waste management grant program; specifying what
65 | constitutes an innovative grant; conforming a cross-
66 | reference; amending s. 403.7125, F.S.; deleting certain
67 | definitions that appear elsewhere in law; clarifying
68 | requirements concerning financial assurance for closure of
69 | a landfill; amending s. 403.716, F.S.; deleting provisions
70 | relating to the training and employment of certain
71 | facility operators; amending s. 403.717, F.S.; clarifying
72 | provisions relating to waste tires and the processing of
73 | waste tires; transferring, renumbering, and amending s.
74 | 403.7221, F.S.; increasing the duration of certain
75 | research, development, and demonstration permits;
76 | authorizing issuance of such a permit to a hazardous waste
77 | management facility; amending s. 403.722, F.S.; clarifying
78 | provisions relating to who is required to obtain certain
79 | hazardous waste permits; providing for operation or
80 | closure of certain existing facilities that must, due to a
81 | rule change, be permitted as hazardous waste facilities;
82 | amending s. 403.7226, F.S.; deleting a requirement to
83 | submit an annual state assessment concerning needs for
84 | hazardous waste management; amending s. 403.724, F.S.;
85 | clarifying certain financial-assurance provisions;
86 | amending s. 403.7255, F.S.; revising requirements
87 | regarding signs to notify the public about hazardous waste

BILL ORIGINAL YEAR

88 | contamination of certain sites; amending s. 403.726, F.S.;
 89 | authorizing the Department of Environmental Protection to
 90 | issue an order to abate certain hazards; amending s.
 91 | 403.7265, F.S.; deleting provisions requiring a statewide
 92 | local hazardous waste management plan; requiring a local
 93 | government to provide matching funds for grants concerning
 94 | conditionally exempt or household hazardous waste under
 95 | certain conditions; repealing s. 403.7075, F.S., relating
 96 | to the submission of a plan or application for certain
 97 | permits for a solid waste management facility; repealing
 98 | s. 403.756, F.S., relating to an annual used-oil report;
 99 | repealing s. 403.7895, F.S., relating to permitting and a
 100 | certification of need for a commercial hazardous waste
 101 | incinerator; repealing ss. 403.78, 403.781, 403.782,
 102 | 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,
 103 | 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,
 104 | 403.789, 403.7891, 403.7892, and 403.7893, F.S., relating
 105 | to the Statewide Multipurpose Hazardous Waste Facility
 106 | Siting Act; providing an effective date.

107 |
 108 | Be It Enacted by the Legislature of the State of Florida:

109 |
 110 | Section 1. Subsection (28) of section 320.08058, Florida
 111 | Statutes, is amended to read:

112 | 320.08058 Specialty license plates.--

113 | (28) FLORIDA WILDFLOWER LICENSE PLATES.--

114 | (a) The department shall develop a Florida Wildflower
 115 | license plate as provided in this section. The word "Florida"
 116 | must appear at the top of the plate, and the words "State

BILL

ORIGINAL

YEAR

117 Wildflower" and "coreopsis" must appear at the bottom of the
118 plate.

119 (b) The annual use fees shall be distributed to the Florida
120 Wildflower Foundation, Inc., a nonprofit corporation under s.
121 501(c)(3) of the Internal Revenue Code ~~Wildflower Account~~
122 established by ~~Keep Florida Beautiful, Inc., created by s.~~
123 403.4131. The proceeds must be used to establish native Florida
124 wildflower research programs, wildflower educational programs,
125 and wildflower grant programs to municipal, county, and
126 community-based groups in this state.

127 1. The Florida Wildflower Foundation, Inc., shall develop
128 procedures of operation, research contracts, education and
129 marketing programs, and wildflower-planting grants for Florida
130 native wildflowers, plants, and grasses.

131 2. A maximum of 15 ~~10~~ percent of the proceeds from the sale
132 of such plates may be used for administrative and marketing
133 costs.

134 3. If the Florida Wildflower Foundation, Inc., ceases to be
135 an active nonprofit corporation under s. 501(c)(3) of the
136 Internal Revenue Code, the proceeds from the annual use fee shall
137 be deposited into the General Inspection Trust Fund created
138 within the Department of Agriculture and Consumer Services. Any
139 funds held by the Florida Wildflower Foundation, Inc., must be
140 promptly transferred to the General Inspection Trust Fund. The
141 Department of Agriculture and Consumer Services shall use and
142 administer the proceeds from the use fee in the manner specified
143 in this paragraph.

144 Section 2. Subsection (4) of section 403.413, Florida
145 Statutes, is amended to read:

BILL ORIGINAL YEAR

146 403.413 Florida Litter Law.--

147 (4) DUMPING LITTER PROHIBITED.--Unless otherwise authorized
 148 by law or permit, it is unlawful for any person to dump litter in
 149 any manner or amount:

150 (a) In or on any public highway, road, street, alley, or
 151 thoroughfare, including any portion of the right-of-way thereof,
 152 or any other public lands, except in containers or areas lawfully
 153 provided therefor. When any litter is thrown or discarded from a
 154 motor vehicle, the operator or owner of the motor vehicle, or
 155 both, shall be deemed in violation of this section;

156 (b) In or on any freshwater lake, river, canal, or stream
 157 or tidal or coastal water of the state, including canals. When
 158 any litter is thrown or discarded from a boat, the operator or
 159 owner of the boat, or both, shall be deemed in violation of this
 160 section; or

161 (c) In or on any private property, unless prior consent of
 162 the owner has been given and unless the dumping of such litter by
 163 such person will not cause a public nuisance or otherwise be in
 164 violation of any other state or local law, rule, or regulation.

165 Section 3. Section 403.4131, Florida Statutes, is amended
 166 to read:

167 403.4131 Litter control ~~"Keep Florida Beautiful,~~
 168 ~~Incorporated"; placement of signs.--~~

169 ~~(1) It is the intent of the Legislature that a coordinated~~
 170 ~~effort of interested businesses, environmental and civic~~
 171 ~~organizations, and state and local agencies of government be~~
 172 ~~developed to plan for and assist in implementing solutions to the~~
 173 ~~litter and solid waste problems in this state and that the state~~
 174 ~~provide financial assistance for the establishment of a nonprofit~~

BILL

ORIGINAL

YEAR

175 ~~organization with the name of "Keep Florida Beautiful,~~
 176 ~~Incorporated," which shall be registered, incorporated, and~~
 177 ~~operated in compliance with chapter 617. This nonprofit~~
 178 ~~organization shall coordinate the statewide campaign and operate~~
 179 ~~as the grassroots arm of the state's effort and shall serve as an~~
 180 ~~umbrella organization for volunteer based community programs.~~
 181 ~~The organization shall be dedicated to helping Florida and its~~
 182 ~~local communities solve solid waste problems, to developing and~~
 183 ~~implementing a sustained litter prevention campaign, and to act~~
 184 ~~as a working public private partnership in helping to implement~~
 185 ~~the state's Solid Waste Management Act. As part of this effort,~~
 186 ~~Keep Florida Beautiful, Incorporated, in cooperation with the~~
 187 ~~Environmental Education Foundation, shall strive to educate~~
 188 ~~citizens, visitors, and businesses about the important~~
 189 ~~relationship between the state's environment and economy. Keep~~
 190 ~~Florida Beautiful, Incorporated, is encouraged to explore and~~
 191 ~~identify economic incentives to improve environmental initiatives~~
 192 ~~in the area of solid waste management. The membership of the~~
 193 ~~board of directors of this nonprofit organization may include~~
 194 ~~representatives of the following organizations: the Florida~~
 195 ~~League of Cities, the Florida Association of Counties, the~~
 196 ~~Governor's Office, the Florida Chapter of the National Solid~~
 197 ~~Waste Management Association, the Florida Recyclers Association,~~
 198 ~~the Center for Marine Conservation, Chapter of the Sierra Club,~~
 199 ~~the Associated Industries of Florida, the Florida Soft Drink~~
 200 ~~Association, the Florida Petroleum Council, the Retail Grocers~~
 201 ~~Association of Florida, the Florida Retail Federation, the Pulp~~
 202 ~~and Paper Association, the Florida Automobile Dealers~~
 203 ~~Association, the Beer Industries of Florida, the Florida Beer~~

BILL

ORIGINAL

YEAR

204 ~~Wholesalers Association, and the Distilled Spirits Wholesalers.~~
 205 ~~(2) As a partner working with government, business, civic,~~
 206 ~~environmental, and other organizations, Keep Florida Beautiful,~~
 207 ~~Incorporated, shall strive to assist the state and its local~~
 208 ~~communities by contracting for the development of a highly~~
 209 ~~visible antilitter campaign that, at a minimum, includes:~~
 210 ~~(a) Coordinating with the Center for Marine Conservation~~
 211 ~~and the Center for Solid and Hazardous Waste Management to~~
 212 ~~identify components of the marine debris and litter stream and~~
 213 ~~groups that habitually litter.~~
 214 ~~(b) Designing appropriate advertising to promote the proper~~
 215 ~~management of solid waste, with emphasis on educating groups that~~
 216 ~~habitually litter.~~
 217 ~~(c) Fostering public awareness and striving to build an~~
 218 ~~environmental ethic in this state through the development of~~
 219 ~~educational programs that result in an understanding and in~~
 220 ~~action on the part of individuals and organizations about the~~
 221 ~~role they must play in preventing litter and protecting Florida's~~
 222 ~~environment.~~
 223 ~~(d) Developing educational programs and materials that~~
 224 ~~promote the proper management of solid waste, including the~~
 225 ~~proper disposal of litter.~~
 226 ~~(e) Administering grants provided by the state. Grants~~
 227 ~~authorized under this section shall be subject to normal~~
 228 ~~department audit procedures and review.~~
 229 (1)~~(3)~~ The Department of Transportation shall establish an
 230 "adopt-a-highway" program to allow local organizations to be
 231 identified with specific highway cleanup and highway
 232 beautification projects authorized under s. 339.2405 and shall

BILL

ORIGINAL

YEAR

233 ~~coordinate such efforts with Keep Florida Beautiful, Inc.~~ The
 234 department shall report to the Governor and the Legislature on
 235 the progress achieved and the savings incurred by the "adopt-a-
 236 highway" program. The department shall also monitor and report
 237 on compliance with provisions of the adopt-a-highway program to
 238 ensure that organizations that participate in the program comply
 239 with the goals identified by the department.

240 (2)~~(4)~~ The Department of Transportation shall place signs
 241 discouraging litter at all off-ramps of the interstate highway
 242 system in the state. The department shall place other highway
 243 signs as necessary to discourage littering ~~through use of the~~
 244 ~~antilitter program developed by Keep Florida Beautiful,~~
 245 ~~Incorporated.~~

246 (3)~~(5)~~ Each county is encouraged to initiate a litter
 247 control and prevention program or to expand upon its existing
 248 program. The department shall establish a system of grants for
 249 municipalities and counties to implement litter control and
 250 prevention programs. In addition to the activities described in
 251 subsection (1), such grants shall at a minimum be used for litter
 252 cleanup, grassroots educational programs involving litter removal
 253 and prevention, and the placement of litter and recycling
 254 receptacles. Counties are encouraged to form working public
 255 private partnerships as authorized under this section to
 256 implement litter control and prevention programs at the community
 257 level. ~~The grants authorized pursuant to this section shall be~~
 258 ~~incorporated as part of the recycling and education grants.~~
 259 Counties that have a population under 100,000 ~~75,000~~ are
 260 encouraged to develop a regional approach to administering and
 261 coordinating their litter control and prevention programs.

BILL

ORIGINAL

YEAR

262 ~~(6) The department may contract with Keep Florida~~
 263 ~~Beautiful, Incorporated, to help carry out the provisions of this~~
 264 ~~section. All contracts authorized under this section are subject~~
 265 ~~to normal department audit procedures and review.~~

266 ~~(7) In order to establish continuity for the statewide~~
 267 ~~program, those local governments and community programs receiving~~
 268 ~~grants for litter prevention and control must use the official~~
 269 ~~State of Florida litter control or campaign symbol adopted by~~
 270 ~~Keep Florida Beautiful, Incorporated, for use on various~~
 271 ~~receptacles and program material.~~

272 ~~(8) The Legislature establishes a litter reduction goal of~~
 273 ~~50 percent reduction from the period January 1, 1994, to January~~
 274 ~~1, 1997. The method of determination used to measure the~~
 275 ~~reduction in litter is the survey conducted by the Center for~~
 276 ~~Solid and Hazardous Waste Management. The center shall consider~~
 277 ~~existing litter survey methodologies.~~

278 ~~(9) The Department of Environmental Protection shall~~
 279 ~~contract with the Center for Solid and Hazardous Waste Management~~
 280 ~~for an ongoing annual litter survey, the first of which is to be~~
 281 ~~conducted by January 1, 1994. The center shall appoint a broad-~~
 282 ~~based work group not to exceed seven members to assist in the~~
 283 ~~development and implementation of the survey. Representatives~~
 284 ~~from the university system, business, government, and the~~
 285 ~~environmental community shall be considered by the center to~~
 286 ~~serve on the work group. Final authority on implementing and~~
 287 ~~conducting the survey rests with the center. The first survey is~~
 288 ~~to be designed to serve as a baseline by measuring the amount of~~
 289 ~~current litter and marine debris, and is to include a methodology~~
 290 ~~for measuring the reduction in the amount of litter and marine~~

BILL ORIGINAL YEAR

291 ~~debris to determine the progress toward the litter reduction goal~~
 292 ~~established in subsection (8). Annually thereafter, additional~~
 293 ~~surveys are to be conducted and must also include a methodology~~
 294 ~~for measuring the reduction in the amount of litter and for~~
 295 ~~determining progress toward the litter reduction goal established~~
 296 ~~in subsection (8).~~

297 ~~(10) (a) There is created within Keep Florida Beautiful,~~
 298 ~~Inc., the Wildflower Advisory Council, consisting of a maximum of~~
 299 ~~nine members to direct and oversee the expenditure of the~~
 300 ~~Wildflower Account. The Wildflower Advisory Council shall include~~
 301 ~~a representative from the University of Florida Institute of Food~~
 302 ~~and Agricultural Sciences, the Florida Department of~~
 303 ~~Transportation, and the Florida Department of Environmental~~
 304 ~~Protection, the Florida League of Cities, and the Florida~~
 305 ~~Association of Counties. Other members of the committee may~~
 306 ~~include representatives from the Florida Federation of Garden~~
 307 ~~Clubs, Inc., Think Beauty Foundation, the Florida Chapter of the~~
 308 ~~American Society of Landscape Architects, Inc., and a~~
 309 ~~representative of the Master Gardener's Program.~~

310 ~~(b) The Wildflower Advisory Council shall develop~~
 311 ~~procedures of operation, research contracts, educational~~
 312 ~~programs, and wildflower planting grants for Florida native~~
 313 ~~wildflowers, plants, and grasses. The council shall also make the~~
 314 ~~final determination of what constitutes acceptable species of~~
 315 ~~wildflowers and other plantings supported by these programs.~~

316 Section 4. Paragraphs (a) and (j) of subsection (2) of
 317 section 403.41315, Florida Statutes, are amended to read:

318 403.41315 Comprehensive illegal dumping, litter, and marine
 319 debris control and prevention.--

BILL ORIGINAL YEAR

320 (2) The comprehensive illegal dumping, litter, and marine
 321 debris control and prevention program at a minimum must include
 322 the following:

323 (a) A local ~~statewide~~ public awareness and educational
 324 campaign, ~~coordinated by Keep Florida Beautiful, Incorporated,~~ to
 325 educate individuals, government, businesses, and other
 326 organizations concerning the role they must assume in preventing
 327 and controlling litter.

328 (j) Other educational programs that are implemented at the
 329 grassroots level ~~coordinated through Keep Florida Beautiful,~~
 330 ~~Inc.,~~ involving volunteers and community programs that clean up
 331 and prevent litter, including Youth Conservation Corps
 332 activities.

333 Section 5. Subsection (2) of section 403.4133, Florida
 334 Statutes, is amended to read:

335 403.4133 Adopt-a-Shore Program.--

336 (2) The Adopt-a-Shore Program shall be created within the
 337 Department of Environmental Protection ~~nonprofit organization~~
 338 ~~referred to in s. 403.4131(1), named Keep Florida Beautiful,~~
 339 ~~Incorporated.~~ The program shall be designed to educate the
 340 state's citizens and visitors about the importance of litter
 341 prevention and shall include approaches and techniques to remove
 342 litter from the state's shorelines.

343 Section 6. Section 403.703, Florida Statutes, is amended to
 344 read:

345 (Substantial rewording of section. See
 346 s. 403.703, F.S., for present text.)

347 403.703 Definitions.--As used in this part, the term:

348 (1) "Ash residue" has the same meaning as in the department

BILL

ORIGINAL

YEAR

349 rule governing solid waste combustors which defines the term.

350 (2) "Biomedical waste" means any solid waste or liquid
 351 waste that may present a threat of infection to humans. The term
 352 includes, but is not limited to, nonliquid human tissue and body
 353 parts; laboratory and veterinary waste that contains human-
 354 disease-causing agents; discarded disposable sharps; human blood
 355 and human blood products and body fluids; and other materials
 356 that in the opinion of the Department of Health represent a
 357 significant risk of infection to persons outside the generating
 358 facility. The term does not include human remains that are
 359 disposed of by persons licensed under chapter 497.

360 (3) "Biological waste" means solid waste that causes or has
 361 the capability of causing disease or infection and includes, but
 362 is not limited to, biomedical waste, diseased or dead animals,
 363 and other wastes capable of transmitting pathogens to humans or
 364 animals. The term does not include human remains that are
 365 disposed of by persons licensed under chapter 497.

366 (4) "Clean debris" means any solid waste that is virtually
 367 inert, that is not a pollution threat to groundwater or surface
 368 waters, that is not a fire hazard, and that is likely to retain
 369 its physical and chemical structure under expected conditions of
 370 disposal or use. The term includes uncontaminated concrete,
 371 including embedded pipe or steel, brick, glass, ceramics, and
 372 other wastes designated by the department.

373 (5) "Closure" means the cessation of operation of a solid
 374 waste management facility and the act of securing such facility
 375 so that it will pose no significant threat to human health or the
 376 environment and includes long-term monitoring and maintenance of
 377 a facility if required by department rule.

BILL

ORIGINAL

YEAR

378 (6) "Construction and demolition debris" means discarded
 379 materials generally considered to be not water-soluble and
 380 nonhazardous in nature, including, but not limited to, steel,
 381 glass, brick, concrete, asphalt roofing material, pipe, gypsum
 382 wallboard, and lumber, from the construction or destruction of a
 383 structure as part of a construction or demolition project or from
 384 the renovation of a structure, and includes rocks, soils, tree
 385 remains, trees, and other vegetative matter that normally results
 386 from land clearing or land-development operations for a
 387 construction project, including such debris from construction of
 388 structures at a site remote from the construction or demolition
 389 project site. Mixing of construction and demolition debris with
 390 other types of solid waste will cause the resulting mixture to be
 391 classified as other than construction and demolition debris. The
 392 term also includes:
 393 (a) Clean cardboard, paper, plastic, wood, and metal scraps
 394 from a construction project;
 395 (b) Except as provided in s. 403.707(9)(j), yard trash and
 396 unpainted, nontreated wood scraps and wood pallets from sources
 397 other than construction or demolition projects;
 398 (c) Scrap from manufacturing facilities which is the type
 399 of material generally used in construction projects and which
 400 would meet the definition of construction and demolition debris
 401 if it were generated as part of a construction or demolition
 402 project. This includes debris from the construction of
 403 manufactured homes and scrap shingles, wallboard, siding
 404 concrete, and similar materials from industrial or commercial
 405 facilities; and
 406 (d) De minimis amounts of other nonhazardous wastes that

BILL

ORIGINAL

YEAR

407 are generated at construction or destruction projects, provided
 408 such amounts are consistent with best management practices of the
 409 industry.

410 (7) "County," or any like term, means a political
 411 subdivision of the state established pursuant to s. 1, Art. VIII
 412 of the State Constitution and, when s. 403.706(19) applies, means
 413 a special district or other entity.

414 (8) "Department" means the Department of Environmental
 415 Protection or any successor agency performing a like function.

416 (9) "Disposal" means the discharge, deposit, injection,
 417 dumping, spilling, leaking, or placing of any solid waste or
 418 hazardous waste into or upon any land or water so that such solid
 419 waste or hazardous waste or any constituent thereof may enter
 420 other lands or be emitted into the air or discharged into any
 421 waters, including groundwaters, or otherwise enter the
 422 environment.

423 (10) "Generation" means the act or process of producing
 424 solid or hazardous waste.

425 (11) "Guarantor" means any person, other than the owner or
 426 operator, who provides evidence of financial responsibility for
 427 an owner or operator under this part.

428 (12) "Hazardous substance" means any substance that is
 429 defined as a hazardous substance in the United States
 430 Comprehensive Environmental Response, Compensation, and Liability
 431 Act of 1980, 94 Stat. 2767.

432 (13) "Hazardous waste" means solid waste, or a combination
 433 of solid wastes, which, because of its quantity, concentration,
 434 or physical, chemical, or infectious characteristics, may cause,
 435 or significantly contribute to, an increase in mortality or an

BILL

ORIGINAL

YEAR

436 increase in serious irreversible or incapacitating reversible
 437 illness or may pose a substantial present or potential hazard to
 438 human health or the environment when improperly transported,
 439 disposed of, stored, treated, or otherwise managed. The term does
 440 not include human remains that are disposed of by persons
 441 licensed under chapter 497.

442 (14) "Hazardous waste facility" means any building, site,
 443 structure, or equipment at or by which hazardous waste is
 444 disposed of, stored, or treated.

445 (15) "Hazardous waste management" means the systematic
 446 control of the collection, source separation, storage,
 447 transportation, processing, treatment, recovery, recycling, and
 448 disposal of hazardous waste.

449 (16) "Land disposal" means any placement of hazardous waste
 450 in or on the land and includes, but is not limited to, placement
 451 in a landfill, surface impoundment, waste pile, injection well,
 452 land treatment facility, salt bed formation, salt dome formation,
 453 or underground mine or cave, or placement in a concrete vault or
 454 bunker intended for disposal purposes.

455 (17) "Landfill" means any solid waste land disposal area
 456 for which a permit, other than a general permit, is required by
 457 s. 403.707 and which receives solid waste for disposal in or upon
 458 land. The term does not include a land-spreading site, an
 459 injection well, a surface impoundment, or a facility for the
 460 disposal of construction and demolition debris.

461 (18) "Manifest" means the recordkeeping system used for
 462 identifying the concentration, quantity, composition, origin,
 463 routing, and destination of hazardous waste during its
 464 transportation from the point of generation to the point of

BILL

ORIGINAL

YEAR

465 disposal, storage, or treatment.

466 (19) "Materials-recovery facility" means a solid waste
 467 management facility that provides for the extraction from solid
 468 waste of recyclable materials, materials suitable for use as a
 469 fuel or soil amendment, or any combination of such materials.

470 (20) "Municipality," or any like term, means a municipality
 471 created pursuant to general or special law authorized or
 472 recognized pursuant to s. 2 or s. 6, Art. VIII of the State
 473 Constitution and, when s. 403.706(19) applies, means a special
 474 district or other entity.

475 (21) "Operation," with respect to any solid waste
 476 management facility, means the disposal, storage, or processing
 477 of solid waste at and by the facility.

478 (22) "Person" means any and all persons, natural or
 479 artificial, including any individual, firm, or association; any
 480 municipal or private corporation organized or existing under the
 481 laws of this state or any other state; any county of this state;
 482 and any governmental agency of this state or the Federal
 483 Government.

484 (23) "Processing" means any technique designed to change
 485 the physical, chemical, or biological character or composition of
 486 any solid waste so as to render it safe for transport; amenable
 487 to recovery, storage, or recycling; safe for disposal; or reduced
 488 in volume or concentration.

489 (24) "Recovered materials" means metal, paper, glass,
 490 plastic, textile, or rubber materials that have known recycling
 491 potential, can be feasibly recycled, and have been diverted and
 492 source separated or have been removed from the solid waste stream
 493 for sale, use, or reuse as raw materials, whether or not the

BILL

ORIGINAL

YEAR

494 materials require subsequent processing or separation from each
 495 other, but the term does not include materials destined for any
 496 use that constitutes disposal. Recovered materials as described
 497 in this subsection are not solid waste.

498 (25) "Recovered materials processing facility" means a
 499 facility engaged solely in the storage, processing, resale, or
 500 reuse of recovered materials. Such a facility is not a solid
 501 waste management facility if it meets the conditions of s.
 502 403.7045(1)(e).

503 (26) "Recyclable material" means those materials that are
 504 capable of being recycled and that would otherwise be processed
 505 or disposed of as solid waste.

506 (27) "Recycling" means any process by which solid waste, or
 507 materials that would otherwise become solid waste, are collected,
 508 separated, or processed and reused or returned to use in the form
 509 of raw materials or products.

510 (28) "Resource recovery" means the process of recovering
 511 materials or energy from solid waste, excluding those materials
 512 or solid waste under the control of the Nuclear Regulatory
 513 Commission.

514 (29) "Resource recovery equipment" means equipment or
 515 machinery exclusively and integrally used in the actual process
 516 of recovering material or energy resources from solid waste.

517 (30) "Sludge" includes, the accumulated solids, residues,
 518 and precipitates generated as a result of waste treatment or
 519 processing, including wastewater treatment, water-supply
 520 treatment, or operation of an air pollution control facility, and
 521 mixed liquids and solids pumped from septic tanks, grease traps,
 522 privies, or similar waste disposal appurtenances.

BILL

ORIGINAL

YEAR

523 (31) "Special wastes" means solid wastes that can require
 524 special handling and management, including, but not limited to,
 525 white goods, waste tires, used oil, lead-acid batteries,
 526 construction and demolition debris, ash residue, yard trash, and
 527 biological wastes.

528 (32) "Solid waste" means sludge unregulated under the
 529 federal Clean Water Act or Clean Air Act, sludge from a waste
 530 treatment works, water supply treatment plant, or air pollution
 531 control facility, or garbage, rubbish, refuse, special waste, or
 532 other discarded material, including solid, liquid, semisolid, or
 533 contained gaseous material resulting from domestic, industrial,
 534 commercial, mining, agricultural, or governmental operations.
 535 Recovered materials as defined in subsection (24) are not solid
 536 waste.

537 (33) "Solid waste disposal facility" means any solid waste
 538 management facility that is the final resting place for solid
 539 waste, including landfills and incineration facilities that
 540 produce ash from the process of incinerating municipal solid
 541 waste.

542 (34) "Solid waste management" means the process by which
 543 solid waste is collected, transported, stored, separated,
 544 processed, or disposed of in any other way according to an
 545 orderly, purposeful, and planned program, which includes closure.

546 (35) "Solid waste management facility" means any solid
 547 waste disposal area, volume-reduction plant, transfer station,
 548 materials-recovery facility, or other facility, the purpose of
 549 which is resource recovery or the disposal, recycling,
 550 processing, or storage of solid waste. The term does not include
 551 recovered materials processing facilities that meet the

BILL

ORIGINAL

YEAR

552 requirements of s. 403.7046, except the portion of such
 553 facilities, if any, which is used for the management of solid
 554 waste.

555 (36) "Source separated" means that the recovered materials
 556 are separated from solid waste at the location where the
 557 recovered materials and solid waste are generated. The term does
 558 not require that various types of recovered materials be
 559 separated from each other, and recognizes de minimis solid waste,
 560 in accordance with industry standards and practices, may be
 561 included in the recovered materials. Materials are not considered
 562 source-separated when two or more types of recovered materials
 563 are deposited in combination with each other in a commercial
 564 collection container located where the materials are generated
 565 and when such materials contain more than 10 percent solid waste
 566 by volume or weight. For purposes of this subsection, the term
 567 "various types of recovered materials" means metals, paper,
 568 glass, plastic, textiles, and rubber.

569 (37) "Storage" means the containment or holding of a
 570 hazardous waste, either on a temporary basis or for a period of
 571 years, in such a manner as not to constitute disposal of such
 572 hazardous waste.

573 (38) "Transfer station" means a site the primary purpose of
 574 which is to store or hold solid waste for transport to a
 575 processing or disposal facility.

576 (39) "Transport" means the movement of hazardous waste from
 577 the point of generation or point of entry into the state to any
 578 offsite intermediate points and to the point of offsite ultimate
 579 disposal, storage, treatment, or exit from the state.

580 (40) "Treatment," when used in connection with hazardous

BILL ORIGINAL YEAR

581 waste, means any method, technique, or process, including
 582 neutralization, which is designed to change the physical,
 583 chemical, or biological character or composition of any hazardous
 584 waste so as to neutralize it or render it nonhazardous, safe for
 585 transport, amenable to recovery, amenable to storage or disposal,
 586 or reduced in volume or concentration. The term includes any
 587 activity or processing that is designed to change the physical
 588 form or chemical composition of hazardous waste so as to render
 589 it nonhazardous.

590 (41) "Volume-reduction plant" includes incinerators,
 591 pulverizers, compactors, shredding and baling plants, composting
 592 plants, and other plants that accept and process solid waste for
 593 recycling or disposal.

594 (42) "White goods" includes discarded air conditioners,
 595 heaters, refrigerators, ranges, water heaters, freezers, and
 596 other similar domestic and commercial large appliances.

597 (43) "Yard trash" means vegetative matter resulting from
 598 landscaping maintenance and land clearing operations and includes
 599 associated rocks and soils.

600 Section 7. Section 403.704, Florida Statutes, is amended to
 601 read:

602 403.704 Powers and duties of the department.--The
 603 department shall have responsibility for the implementation and
 604 enforcement of ~~the provisions of~~ this act. In addition to other
 605 powers and duties, the department shall:

606 (1) Develop and implement, in consultation with local
 607 governments, a state solid waste management program, as defined
 608 in s. 403.705, ~~and update the program at least every 3 years. In~~
 609 ~~developing rules to implement the state solid waste management~~

BILL ORIGINAL YEAR

610 ~~program, the department shall hold public hearings around the~~
 611 ~~state and shall give notice of such public hearings to all local~~
 612 ~~governments and regional planning agencies.~~

613 (2) Provide technical assistance to counties,
 614 municipalities, and other persons, and cooperate with appropriate
 615 federal agencies and private organizations in carrying out ~~the~~
 616 ~~provisions of this act.~~

617 (3) Promote the planning and application of recycling and
 618 resource recovery systems which preserve and enhance the quality
 619 of the air, water, and other natural resources of the state and
 620 assist in and encourage, where appropriate, the development of
 621 regional solid waste management facilities.

622 (4) Serve as the official state representative for all
 623 purposes of the federal Solid Waste Disposal Act, as amended by
 624 Pub. L. No. 91-512, or as subsequently amended.

625 (5) Use private industry or the State University System
 626 through contractual arrangements for implementation of some or
 627 all of the requirements of the state solid waste management
 628 program and for such other activities as may be considered
 629 necessary, desirable, or convenient.

630 (6) Encourage recycling and resource recovery as a source
 631 of energy and materials.

632 (7) Assist in and encourage, as much as possible, the
 633 development within the state of industries and commercial
 634 enterprises which are based upon resource recovery, recycling,
 635 and reuse of solid waste.

636 ~~(8) Charge reasonable fees for any services it performs~~
 637 ~~pursuant to this act, provided user fees shall apply uniformly~~
 638 ~~within each municipality or county to all users who are provided~~

BILL ORIGINAL YEAR

639 ~~with solid waste management services.~~

640 ~~(9) Acquire, at its discretion, personal or real property~~

641 ~~or any interest therein by gift, lease, or purchase for the~~

642 ~~purpose of providing sites for solid waste management facilities.~~

643 ~~(10) Acquire, construct, reconstruct, improve, maintain,~~

644 ~~equip, furnish, and operate, at its discretion, such solid waste~~

645 ~~management facilities as are called for by the state solid waste~~

646 ~~management program.~~

647 ~~(11) Receive funds or revenues from the sale of products,~~

648 ~~materials, fuels, or energy in any form derived from processing~~

649 ~~of solid waste by state owned or state operated facilities, which~~

650 ~~funds or revenues shall be deposited into the Solid Waste~~

651 ~~Management Trust Fund.~~

652 (8) ~~(12)~~ Determine by rule the facilities, equipment,

653 personnel, and number of monitoring wells to be provided at each

654 Class I solid waste disposal facility area.

655 ~~(13) Encourage, but not require, as part of a Class II~~

656 ~~solid waste disposal area, a potable water supply; an employee~~

657 ~~shelter; handwashing and toilet facilities; equipment washout~~

658 ~~facilities; electric service for operations and repairs;~~

659 ~~equipment shelter for maintenance and storage of parts,~~

660 ~~equipment, and tools; scales for weighing solid waste received at~~

661 ~~the disposal area; a trained equipment operator in full-time~~

662 ~~attendance during operating hours; and communication facilities~~

663 ~~for use in emergencies. The department may require an attendant~~

664 ~~at a Class II solid waste disposal area during the hours of~~

665 ~~operation if the department affirmatively demonstrates that such~~

666 ~~a requirement is necessary to prevent unlawful fires,~~

667 ~~unauthorized dumping, or littering of nearby property.~~

BILL

ORIGINAL

YEAR

668 ~~(14) Require a Class II solid waste disposal area to have~~
 669 ~~at least one monitoring well which shall be placed adjacent to~~
 670 ~~the site in the direction of groundwater flow unless otherwise~~
 671 ~~exempted by the department. The department may require additional~~
 672 ~~monitoring wells not farther than 1 mile from the site if it is~~
 673 ~~affirmatively demonstrated by the department that a significant~~
 674 ~~change in the initial quality of the water has occurred in the~~
 675 ~~downstream monitoring well which adversely affects the beneficial~~
 676 ~~uses of the water. These wells may be public or private water~~
 677 ~~supply wells if they are suitable for use in determining~~
 678 ~~background water quality levels.~~

679 (9)~~(15)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54
 680 to implement and enforce ~~the provisions of~~ this act, including
 681 requirements for the classification, construction, operation,
 682 maintenance, and closure of solid waste management facilities and
 683 requirements for, and conditions on, solid waste disposal in this
 684 state, whether such solid waste is generated within this state or
 685 outside this state as long as such requirements and conditions
 686 are not based on the out-of-state origin of the waste and are
 687 consistent with applicable ~~provisions of~~ law. When classifying
 688 solid waste management facilities, the department shall consider
 689 the hydrogeology of the site for the facility, the types of
 690 wastes to be handled by the facility, and methods used to control
 691 the types of waste to be handled by the facility and shall seek
 692 to minimize the adverse effects of solid waste management on the
 693 environment. Whenever the department adopts any rule stricter or
 694 more stringent than one that ~~which~~ has been set by the United
 695 States Environmental Protection Agency, the procedures set forth
 696 in s. 403.804(2) shall be followed. The department shall not,

BILL ORIGINAL YEAR

697 however, adopt hazardous waste rules for solid waste for which
 698 special studies were required prior to October 1, 1988, under s.
 699 8002 of the Resource Conservation and Recovery Act, 42 U.S.C. s.
 700 6982, as amended, until the studies are completed by the United
 701 States Environmental Protection Agency and the information is
 702 available to the department for consideration in adopting its own
 703 rule.

704 (10)~~(16)~~ Issue or modify permits on such conditions as are
 705 necessary to effect the intent and purposes of this act, and may
 706 deny or revoke permits.

707 ~~(17) Conduct research, using the State University System,
 708 solid waste professionals from local governments, private
 709 enterprise, and other organizations, on alternative, economically
 710 feasible, cost effective, and environmentally safe solid waste
 711 management and landfill closure methods which protect the health,
 712 safety, and welfare of the public and the environment and which
 713 may assist in developing markets and provide economic benefits to
 714 local governments, the state, and its citizens, and solicit
 715 public participation during the research process. The department
 716 shall incorporate such cost effective landfill closure methods in
 717 the appropriate department rule as alternative closure
 718 requirements.~~

719 (11)~~(18)~~ Develop and implement or contract for services to
 720 develop information on recovered materials markets and strategies
 721 for market development and expansion for use of these materials.
 722 Additionally, the department shall maintain a directory of
 723 recycling businesses operating in the state and shall serve as a
 724 coordinator to match recovered materials with markets. Such
 725 directory shall be made available to the public and to local

BILL

ORIGINAL

YEAR

726 governments to assist with their solid waste management
727 activities.

728 ~~(19) Authorize variances from solid waste closure rules~~
729 ~~adopted pursuant to this part, provided such variances are~~
730 ~~applied for and approved in accordance with s. 403.201 and will~~
731 ~~not result in significant threats to human health or the~~
732 ~~environment.~~

733 (12)~~(20)~~ Establish accounts and deposit to the Solid Waste
734 Management Trust Fund and control and administer moneys it may
735 withdraw from the fund.

736 (13)~~(21)~~ Manage a program of grants, using funds from the
737 Solid Waste Management Trust Fund and funds provided by the
738 Legislature for solid waste management, for programs for
739 recycling, composting, litter control, and special waste
740 management and for programs that ~~which~~ provide for the safe and
741 proper management of solid waste.

742 (14)~~(22)~~ Budget and receive appropriated funds and accept,
743 receive, and administer grants or other funds or gifts from
744 public or private agencies, including the state and the Federal
745 Government, for the purpose of carrying out ~~the provisions of~~
746 this act.

747 (15)~~(23)~~ Delegate its powers, enter into contracts, or take
748 such other actions as may be necessary to implement this act.

749 (16)~~(24)~~ Receive and administer funds appropriated for
750 county hazardous waste management assessments.

751 (17)~~(25)~~ Provide technical assistance to local governments
752 and regional agencies to ensure consistency between county
753 hazardous waste management assessments; coordinate the
754 development of such assessments with the assistance of the

BILL

ORIGINAL

YEAR

755 appropriate regional planning councils; and review and make
 756 recommendations to the Legislature relative to the sufficiency of
 757 the assessments to meet state hazardous waste management needs.

758 ~~(18)-(26)~~ Increase public education and public awareness of
 759 solid and hazardous waste issues by developing and promoting
 760 statewide programs of litter control, recycling, volume
 761 reduction, and proper methods of solid waste and hazardous waste
 762 management.

763 ~~(19)-(27)~~ Assist the hazardous waste storage, treatment, or
 764 disposal industry by providing to the industry any data produced
 765 on the types and quantities of hazardous waste generated.

766 ~~(20)-(28)~~ Institute a hazardous waste emergency response
 767 program which would include emergency telecommunication
 768 capabilities and coordination with appropriate agencies.

769 ~~(21)-(29)~~ Adopt ~~Promulgate~~ rules necessary to accept
 770 delegation of the hazardous waste management program from the
 771 Environmental Protection Agency under the Hazardous and Solid
 772 Waste Amendments of 1984, Pub. L. No. 98-616.

773 ~~(22)-(30)~~ Adopt rules, if necessary, to address the
 774 incineration and disposal of biomedical waste and the management
 775 of biological waste within the state, whether such waste is
 776 generated within this state or outside this state, as long as
 777 such requirements and conditions are not based on the out-of-
 778 state origin of the waste and are consistent with applicable
 779 provisions of law.

780 Section 8. Section 403.7043, Florida Statutes, is amended
 781 to read:

782 403.7043 Compost standards and applications.--

783 (1) In order to protect the state's land and water

BILL

ORIGINAL

YEAR

784 resources, compost produced, utilized, or disposed of by the
 785 composting process at solid waste management facilities in the
 786 state must meet criteria established by the department.

787 (2) The department shall ~~Within 6 months after October 1,~~
 788 ~~1988, the department shall initiate rulemaking to~~ establish and
 789 maintain rules addressing standards for the production of compost
 790 ~~and shall complete and promulgate those rules within 12 months~~
 791 ~~after initiating the process of rulemaking,~~ including rules
 792 establishing:

793 (a) Requirements necessary to produce hygienically safe
 794 compost products for varying applications.

795 (b) A classification scheme for compost based on~~+~~ the types
 796 of waste composted, ~~including at least one type containing only~~
 797 ~~yard trash,~~ the maturity of the compost, ~~including at least three~~
 798 ~~degrees of decomposition for fresh, semimature, and mature,~~ and
 799 the levels of organic and inorganic constituents in the compost.

800 This scheme shall address:

- 801 1. Methods for measurement of the compost maturity.
- 802 2. Particle sizes.
- 803 3. Moisture content.
- 804 4. Average levels of organic and inorganic constituents,
 805 including heavy metals, for such classes of compost as the
 806 department establishes, and the analytical methods to determine
 807 those levels.

808 ~~(3) Within 6 months after October 1, 1988, the department~~
 809 ~~shall initiate rulemaking to prescribe the allowable uses and~~
 810 ~~application rates of compost and shall complete and promulgate~~
 811 ~~those rules within 12 months after initiating the process of~~
 812 ~~rulemaking, based on the following criteria:~~

BILL

ORIGINAL

YEAR

813 ~~(a) The total quantity of organic and inorganic~~
 814 ~~constituents, including heavy metals, allowed to be applied~~
 815 ~~through the addition of compost to the soil per acre per year.~~

816 ~~(b) The allowable uses of compost based on maturity and~~
 817 ~~type of compost.~~

818 ~~(4) If compost is produced which does not meet the criteria~~
 819 ~~prescribed by the department for agricultural and other use, the~~
 820 ~~compost must be reprocessed or disposed of in a manner approved~~
 821 ~~by the department, unless a different application is specifically~~
 822 ~~permitted by the department.~~

823 ~~(5) The provisions of s. 403.706 shall not prohibit any~~
 824 ~~county or municipality which has in place a memorandum of~~
 825 ~~understanding or other written agreement as of October 1, 1988,~~
 826 ~~from proceeding with plans to build a compost facility.~~

827 Section 9. Subsections (1), (2), and (3) of section
 828 403.7045, Florida Statutes, are amended to read:

829 403.7045 Application of act and integration with other
 830 acts.--

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

833 (a) Byproduct material, source material, and special
 834 nuclear material, the generation, transportation, disposal,
 835 storage, or treatment of which is regulated under chapter 404 or
 836 ~~under~~ the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat.
 837 923, as amended;

838 (b) Suspended solids and dissolved materials in domestic
 839 sewage effluent or irrigation return flows or other discharges
 840 which are point sources subject to permits pursuant to ~~provisions~~
 841 ~~of~~ this chapter or ~~pursuant to~~ s. 402 of the Clean Water Act,

BILL ORIGINAL YEAR

842 Pub. L. No. 95-217;

843 (c) Emissions to the air from a stationary installation or
 844 source regulated under ~~provisions of~~ this chapter or ~~under~~ the
 845 Clean Air Act, Pub. L. No. 95-95;

846 (d) Drilling fluids, produced waters, and other wastes
 847 associated with the exploration for, or development and
 848 production of, crude oil or natural gas which are regulated under
 849 chapter 377; or

850 (e) Recovered materials or recovered materials processing
 851 facilities ~~shall not be regulated pursuant to this act,~~ except as
 852 provided in s. 403.7046, if:

853 1. A majority of the recovered materials at the facility
 854 are demonstrated to be sold, used, or reused within 1 year.

855 2. The recovered materials handled by the facility or the
 856 products or byproducts of operations that process recovered
 857 materials are not discharged, deposited, injected, dumped,
 858 spilled, leaked, or placed into or upon any land or water by the
 859 owner or operator of such facility so that such recovered
 860 materials, products or byproducts, or any constituent thereof may
 861 enter other lands or be emitted into the air or discharged into
 862 any waters, including groundwaters, or otherwise enter the
 863 environment such that a threat of contamination in excess of
 864 applicable department standards and criteria is caused.

865 3. The recovered materials handled by the facility are not
 866 hazardous wastes as defined under s. 403.703, and rules
 867 promulgated pursuant thereto.

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

869 (f) Industrial byproducts, if:

870 1. A majority of the industrial byproducts are demonstrated

BILL ORIGINAL YEAR

871 to be sold, used, or reused within 1 year.

872 2. The industrial byproducts are not discharged, deposited,
 873 injected, dumped, spilled, leaked, or placed upon any land or
 874 water so that such industrial byproducts, or any constituent
 875 thereof, may enter other lands or be emitted into the air or
 876 discharged into any waters, including groundwaters, or otherwise
 877 enter the environment such that a threat of contamination in
 878 excess of applicable department standards and criteria or a
 879 significant threat to public health is caused.

880 3. The industrial byproducts are not hazardous wastes as
 881 defined under s. 403.703 and rules adopted under this section.

882 (2) Except as provided in s. 403.704(9) ~~s. 403.704(15)~~, the
 883 following wastes shall not be regulated as a hazardous waste
 884 pursuant to this act, except when determined by the United States
 885 Environmental Protection Agency to be a hazardous waste:

886 (a) Ashes and scrubber sludges generated from the burning
 887 of boiler fuel for generation of electricity or steam.

888 (b) Agricultural and silvicultural byproduct material and
 889 agricultural and silvicultural process waste from normal farming
 890 or processing.

891 (c) Discarded material generated by the mining and
 892 beneficiation and chemical or thermal processing of phosphate
 893 rock, and precipitates resulting from neutralization of phosphate
 894 chemical plant process and nonprocess waters.

895 (3) The following wastes or activities shall be regulated
 896 pursuant to this act in the following manner:

897 (a) Dredged material that is generated as part of a project
 898 permitted under part IV of chapter 373 or chapter 161, or that is
 899 authorized to be removed from sovereign submerged lands under

BILL

ORIGINAL

YEAR

900 chapter 253, Dredge spoil or fill material shall be managed in
 901 accordance with the conditions of that permit or authorization
 902 unless the dredged material is regulated as hazardous waste
 903 pursuant to this part ~~disposed of pursuant to a dredge and fill~~
 904 ~~permit, but whenever hazardous components are disposed of within~~
 905 ~~the dredge or fill material, the dredge and fill permits shall~~
 906 ~~specify the specific hazardous wastes contained and the~~
 907 ~~concentration of each such waste. If the dredged material~~
 908 contains hazardous substances, the department may further then
 909 limit or restrict the disposal, sale, or use of the dredged
 910 ~~dredge and fill material~~ and may specify such other conditions
 911 relative to this material as are reasonably necessary to protect
 912 the public from the potential hazards. However, this paragraph
 913 does not require the routine testing of dredge material for
 914 hazardous substances unless there is a reasonable expectation
 915 that such substances will be present.

916 (b) Hazardous wastes that ~~which~~ are contained in artificial
 917 recharge waters or other waters intentionally introduced into any
 918 underground formation and that ~~which~~ are permitted pursuant to s.
 919 373.106 shall also be handled in compliance with the requirements
 920 and standards for disposal, storage, and treatment of hazardous
 921 waste under this act.

922 (c) Solid waste or hazardous waste facilities that ~~which~~
 923 are operated as a part of the normal operation of a power
 924 generating facility and which are licensed by certification
 925 pursuant to the Florida Electrical Power Plant Siting Act, ss.
 926 403.501-403.518, shall undergo such certification subject to the
 927 substantive provisions of this act.

928 (d) Biomedical waste and biological waste shall be disposed

BILL

ORIGINAL

YEAR

929 of only as authorized by the department. However, any person who
 930 unknowingly disposes into a sanitary landfill or waste-to-energy
 931 facility any such waste that ~~which~~ has not been properly
 932 segregated or separated from other solid wastes by the generating
 933 facility is not guilty of a violation under this act. ~~Nothing in~~
 934 This paragraph does not ~~shall be construed to~~ prohibit the
 935 department from seeking injunctive relief pursuant to s. 403.131
 936 to prohibit the unauthorized disposal of biomedical waste or
 937 biological waste.

938 Section 10. Paragraph (f) of subsection (2) of section
 939 403.705, Florida Statutes, is amended to read:

940 403.705 State solid waste management program.--

941 (2) The state solid waste management program shall include,
 942 at a minimum:

943 (f) Planning guidelines and technical assistance to
 944 counties and municipalities to develop and implement programs for
 945 alternative disposal or processing or recycling of the solid
 946 wastes prohibited from disposal in landfills under s. 403.708(12)
 947 ~~s. 403.708(13)~~ and for special wastes.

948 Section 11. Subsection (2) of section 403.7061, Florida
 949 Statutes, is amended to read:

950 403.7061 Requirements for review of new waste-to-energy
 951 facility capacity by the Department of Environmental
 952 Protection.--

953 (2) Notwithstanding any other provisions of state law, the
 954 department shall not issue a construction permit or certification
 955 to build a waste-to-energy facility or expand an existing waste-
 956 to-energy facility unless the facility meets the requirements set
 957 forth in subsection (3). Any construction permit issued by the

BILL

ORIGINAL

YEAR

958 department between January 1, 1993, and May 12, 1993, which does
 959 not address these new requirements is ~~shall be~~ invalid. These new
 960 requirements do not apply to the issuance of permits or permit
 961 modifications to retrofit existing facilities with new or
 962 improved pollution control equipment to comply with state or
 963 federal law. The department may ~~shall~~ initiate rulemaking to
 964 incorporate the criteria in subsection (3) into its permit review
 965 process.

966 Section 12. Section 403.707, Florida Statutes, is amended
 967 to read:

968 403.707 Permits.--

969 (1) A ~~No~~ solid waste management facility may not be
 970 operated, maintained, constructed, expanded, modified, or closed
 971 without an appropriate and currently valid permit issued by the
 972 department. The department may by rule exempt specified types of
 973 facilities from the requirement for a permit under this part if
 974 it determines that construction or operation of the facility is
 975 not expected to create any significant threat to the environment
 976 or public health. For purposes of this part, and only when
 977 specified by department rule, a permit may include registrations
 978 as well as other forms of licenses as defined in s. 120.52. Solid
 979 waste construction permits issued under this section may include
 980 any permit conditions necessary to achieve compliance with the
 981 recycling requirements of this act. The department shall pursue
 982 reasonable timeframes for closure and construction requirements,
 983 considering pending federal requirements and implementation costs
 984 to the permittee. The department shall adopt a rule establishing
 985 performance standards for construction and closure of solid waste
 986 management facilities. The standards shall allow flexibility in

BILL

ORIGINAL

YEAR

987 design and consideration for site-specific characteristics.

988 (2) Except as provided in s. 403.722(6), a ~~no~~ permit under
 989 this section is not required for the following, if provided ~~that~~
 990 the activity does ~~shall~~ not create a public nuisance or any
 991 condition adversely affecting the environment or public health
 992 and does ~~shall~~ not violate other state or local laws, ordinances,
 993 rules, regulations, or orders:

994 (a) Disposal by persons of solid waste resulting from their
 995 own activities on their own property, if provided ~~such~~ waste is
 996 ~~either~~ ordinary household waste from their residential property
 997 or is rocks, soils, trees, tree remains, and other vegetative
 998 matter that ~~which~~ normally result from land development
 999 operations. Disposal of materials that ~~which~~ could create a
 1000 public nuisance or adversely affect the environment or public
 1001 health, such as: white goods; automotive materials, such as
 1002 batteries and tires; petroleum products; pesticides; solvents; or
 1003 hazardous substances, is not covered under this exemption.

1004 (b) Storage in containers by persons of solid waste
 1005 resulting from their own activities on their property, leased or
 1006 rented property, or property subject to a homeowners or
 1007 maintenance association for which the person contributes
 1008 association assessments, if the solid waste in such containers is
 1009 collected at least once a week.

1010 (c) Disposal by persons of solid waste resulting from their
 1011 own activities on their property, if provided ~~the~~ environmental
 1012 effects of such disposal on groundwater and surface waters are:

1013 1. Addressed or authorized by a site certification order
 1014 issued under part II or a permit issued by the department under
 1015 ~~pursuant to~~ this chapter or rules adopted pursuant to this

BILL ORIGINAL YEAR

1016 chapter thereto; or
 1017 2. Addressed or authorized by, or exempted from the
 1018 requirement to obtain, a groundwater monitoring plan approved by
 1019 the department.
 1020 (d) Disposal by persons of solid waste resulting from their
 1021 own activities on their own property, if ~~provided that~~ such
 1022 disposal occurred prior to October 1, 1988.
 1023 (e) Disposal of solid waste resulting from normal farming
 1024 operations as defined by department rule. Polyethylene
 1025 agricultural plastic, damaged, nonsalvageable, untreated wood
 1026 pallets, and packing material that cannot be feasibly recycled,
 1027 which are used in connection with agricultural operations related
 1028 to the growing, harvesting, or maintenance of crops, may be
 1029 disposed of by open burning if a, ~~provided that~~ ~~no~~ public
 1030 nuisance or any condition adversely affecting the environment or
 1031 the public health is not created by the open burning ~~thereby~~ and
 1032 ~~that~~ state or federal ambient air quality standards are not
 1033 violated.
 1034 (f) The use of clean debris as fill material in any area.
 1035 However, this paragraph does not exempt any person from obtaining
 1036 any other required permits, and ~~nor~~ does not ~~it~~ affect a person's
 1037 responsibility to dispose of clean debris appropriately if it is
 1038 not to be used as fill material.
 1039 (g) Compost operations that produce less than 50 cubic
 1040 yards of compost per year when the compost produced is used on
 1041 the property where the compost operation is located.
 1042 (3) All applicable provisions of ss. 403.087 and 403.088,
 1043 relating to permits, apply to the control of solid waste
 1044 management facilities.

BILL

ORIGINAL

YEAR

1045 (4) When application for a construction permit for a Class
 1046 I ~~or Class II~~ solid waste disposal facility area is made, it is
 1047 the duty of the department to provide a copy of the application,
 1048 within 7 days after filing, to the water management district
 1049 having jurisdiction where the area is to be located. The water
 1050 management district may prepare an advisory report as to the
 1051 impact on water resources. This report must ~~shall~~ contain the
 1052 district's recommendations as to the disposition of the
 1053 application and shall be submitted to the department no later
 1054 than 30 days prior to the deadline for final agency action by the
 1055 department. However, the failure of the department or the water
 1056 management district to comply with the provisions of this
 1057 subsection shall not be the basis for the denial, revocation, or
 1058 remand of any permit or order issued by the department.

1059 (5) The department may not issue a construction permit
 1060 pursuant to this part for a new solid waste landfill within 3,000
 1061 feet of Class I surface waters.

1062 (6) The department may issue a construction permit pursuant
 1063 to this part only to a solid waste management facility that
 1064 provides the conditions necessary to control the safe movement of
 1065 wastes or waste constituents into surface or ground waters or the
 1066 atmosphere and that will be operated, maintained, and closed by
 1067 qualified and properly trained personnel. Such facility must if
 1068 necessary:

1069 (a) Use natural or artificial barriers that which are
 1070 capable of controlling lateral or vertical movement of wastes or
 1071 waste constituents into surface or ground waters.

1072 (b) Have a foundation or base that is capable of providing
 1073 support for structures and waste deposits and capable of

BILL ORIGINAL YEAR

1074 preventing foundation or base failure due to settlement,
 1075 compression, or uplift.

1076 (c) Provide for the most economically feasible, cost-
 1077 effective, and environmentally safe control of leachate, gas,
 1078 stormwater, and disease vectors and prevent the endangerment of
 1079 public health and the environment.

1080

1081 Open fires, air-curtain incinerators, or trench burning may not
 1082 be used as a means of disposal at a solid waste management
 1083 facility, unless permitted by the department under s. 403.087.

1084 (7) Prior to application for a construction permit, an
 1085 applicant shall designate to the department temporary backup
 1086 disposal areas or processes for the resource recovery facility.
 1087 Failure to designate temporary backup disposal areas or processes
 1088 shall result in a denial of the construction permit.

1089 (8) The department may refuse to issue a permit to an
 1090 applicant who by past conduct in this state has repeatedly
 1091 violated pertinent statutes, rules, or orders or permit terms or
 1092 conditions relating to any solid waste management facility and
 1093 who is deemed to be irresponsible as defined by department rule.

1094 For the purposes of this subsection, an applicant includes the
 1095 owner or operator of the facility, or if the owner or operator is
 1096 a business entity, a parent of a subsidiary corporation, a
 1097 partner, a corporate officer or director, or a stockholder
 1098 holding more than 50 percent of the stock of the corporation.

1099 ~~(9) Before or on the same day of filing with the department~~
 1100 ~~of an application for any construction permit for the~~
 1101 ~~incineration of biomedical waste which the department may require~~
 1102 ~~by rule, the applicant shall notify each city and county within 1~~

BILL

ORIGINAL

YEAR

1103 ~~mile of the facility of the filing of the application and shall~~
 1104 ~~publish notice of the filing of the application. The applicant~~
 1105 ~~shall publish a second notice of the filing within 14 days after~~
 1106 ~~the date of filing. Each notice shall be published in a newspaper~~
 1107 ~~of general circulation in the county in which the facility is~~
 1108 ~~located or is proposed to be located. Notwithstanding the~~
 1109 ~~provisions of chapter 50, for purposes of this section, a~~
 1110 ~~"newspaper of general circulation" shall be the newspaper within~~
 1111 ~~the county in which the installation or facility is proposed~~
 1112 ~~which has the largest daily circulation in that county and has~~
 1113 ~~its principal office in that county. If the newspaper with the~~
 1114 ~~largest daily circulation has its principal office outside the~~
 1115 ~~county, the notice shall appear in both the newspaper with the~~
 1116 ~~largest daily circulation in that county, and a newspaper~~
 1117 ~~authorized to publish legal notices in that county. The notice~~
 1118 ~~shall contain:~~

1119 ~~(a) The name of the applicant and a brief description of~~
 1120 ~~the facility and its location.~~

1121 ~~(b) The location of the application file and when it is~~
 1122 ~~available for public inspection.~~

1124 ~~The notice shall be prepared by the applicant and shall comply~~
 1125 ~~with the following format:~~

~~Notice of Application~~

1129 ~~The Department of Environmental Protection announces receipt of~~
 1130 ~~an application for a permit from (name of applicant) to~~
 1131 ~~(brief description of project). This proposed project will be~~

BILL ORIGINAL YEAR

1132 ~~located at (location) in (county) (city).~~

1133

1134 ~~This application is being processed and is available for public~~
 1135 ~~inspection during normal business hours, 8:00 a.m. to 5:00 p.m.,~~
 1136 ~~Monday through Friday, except legal holidays, at (name and~~
 1137 ~~address of office).~~

1138 ~~(10) A permit, which the department may require by rule,~~
 1139 ~~for the incineration of biomedical waste, may not be transferred~~
 1140 ~~by the permittee to any other entity, except in conformity with~~
 1141 ~~the requirements of this subsection.~~

1142 ~~(a) Within 30 days after the sale or legal transfer of a~~
 1143 ~~permitted facility, the permittee shall file with the department~~
 1144 ~~an application for transfer of the permits on such form as the~~
 1145 ~~department shall establish by rule. The form must be completed~~
 1146 ~~with the notarized signatures of both the transferring permittee~~
 1147 ~~and the proposed permittee.~~

1148 ~~(b) The department shall approve the transfer of a permit~~
 1149 ~~unless it determines that the proposed permittee has not provided~~
 1150 ~~reasonable assurances that the proposed permittee has the~~
 1151 ~~administrative, technical, and financial capability to properly~~
 1152 ~~satisfy the requirements and conditions of the permit, as~~
 1153 ~~determined by department rule. The determination shall be~~
 1154 ~~limited solely to the ability of the proposed permittee to comply~~
 1155 ~~with the conditions of the existing permit, and it shall not~~
 1156 ~~concern the adequacy of the permit conditions. If the department~~
 1157 ~~proposes to deny the transfer, it shall provide both the~~
 1158 ~~transferring permittee and the proposed permittee a written~~
 1159 ~~objection to such transfer together with notice of a right to~~
 1160 ~~request a proceeding on such determination under chapter 120.~~

BILL

ORIGINAL

YEAR

1161 ~~(c) Within 90 days after receiving a properly completed~~
 1162 ~~application for transfer of a permit, the department shall issue~~
 1163 ~~a final determination. The department may toll the time for~~
 1164 ~~making a determination on the transfer by notifying both the~~
 1165 ~~transferring permittee and the proposed permittee that additional~~
 1166 ~~information is required to adequately review the transfer~~
 1167 ~~request. Such notification shall be provided within 30 days after~~
 1168 ~~receipt of an application for transfer of the permit, completed~~
 1169 ~~pursuant to paragraph (a). If the department fails to take action~~
 1170 ~~to approve or deny the transfer within 90 days after receipt of~~
 1171 ~~the completed application or within 90 days after receipt of the~~
 1172 ~~last item of timely requested additional information, the~~
 1173 ~~transfer shall be deemed approved.~~

1174 ~~(d) The transferring permittee is encouraged to apply for a~~
 1175 ~~permit transfer well in advance of the sale or legal transfer of~~
 1176 ~~a permitted facility. However, the transfer of the permit shall~~
 1177 ~~not be effective prior to the sale or legal transfer of the~~
 1178 ~~facility.~~

1179 ~~(e) Until the transfer of the permit is approved by the~~
 1180 ~~department, the transferring permittee and any other person~~
 1181 ~~constructing, operating, or maintaining the permitted facility~~
 1182 ~~shall be liable for compliance with the terms of the permit.~~
 1183 ~~Nothing in this section shall relieve the transferring permittee~~
 1184 ~~of liability for corrective actions that may be required as a~~
 1185 ~~result of any violations occurring prior to the legal transfer of~~
 1186 ~~the permit.~~

1187 ~~(11) The department shall review all permit applications~~
 1188 ~~for any designated Class I solid waste disposal facility. As used~~
 1189 ~~in this subsection, the term "designated Class I solid waste~~

BILL

ORIGINAL

YEAR

1190 ~~disposal facility" means any facility that is, as of May 12,~~
 1191 ~~1993, a solid waste disposal facility classified as an active~~
 1192 ~~Class I landfill by the department, that is located in whole or~~
 1193 ~~in part within 1,000 feet of the boundary of any municipality,~~
 1194 ~~but that is not located within any county with an approved~~
 1195 ~~charter or consolidated municipal government, is not located~~
 1196 ~~within any municipality, and is not operated by a municipality.~~
 1197 ~~The department shall not permit vertical expansion or horizontal~~
 1198 ~~expansion of any designated Class I solid waste disposal facility~~
 1199 ~~unless the application for such permit was filed before January~~
 1200 ~~1, 1993, and no solid waste management facility may be operated~~
 1201 ~~which is a vertical expansion or horizontal expansion of a~~
 1202 ~~designated Class I solid waste disposal facility. As used in this~~
 1203 ~~subsection, the term "vertical expansion" means any activity that~~
 1204 ~~will result in an increase in the height of a designated Class I~~
 1205 ~~solid waste disposal facility above 100 feet National Geodetic~~
 1206 ~~Vertical Datum, except solely for closure, and the term~~
 1207 ~~"horizontal expansion" means any activity that will result in an~~
 1208 ~~increase in the ground area covered by a designated Class I solid~~
 1209 ~~waste disposal facility, or if within 1 mile of a designated~~
 1210 ~~Class I solid waste disposal facility, any new or expanded~~
 1211 ~~operation of any solid waste disposal facility or area, or of~~
 1212 ~~incineration of solid waste, or of storage of solid waste for~~
 1213 ~~more than 1 year, or of composting of solid waste other than yard~~
 1214 ~~trash.~~

1215 (9)~~(12)~~ The department shall establish a separate category
 1216 for solid waste management facilities that ~~which~~ accept only
 1217 construction and demolition debris for disposal or recycling. The
 1218 department shall establish a reasonable schedule for existing

BILL ORIGINAL YEAR

1219 facilities to comply with this section to avoid undue hardship to
 1220 such facilities. However, a permitted solid waste disposal unit
 1221 that ~~which~~ receives a significant amount of waste prior to the
 1222 compliance deadline established in this schedule shall not be
 1223 required to be retrofitted with liners or leachate control
 1224 systems. ~~Facilities accepting materials defined in s.~~
 1225 ~~403.703(17)(b) must implement a groundwater monitoring system~~
 1226 ~~adequate to detect contaminants that may reasonably be expected~~
 1227 ~~to result from such disposal prior to the acceptance of those~~
 1228 ~~materials.~~

1229 (a) The department shall establish reasonable construction,
 1230 operation, monitoring, recordkeeping, financial assurance, and
 1231 closure requirements for such facilities. The department shall
 1232 take into account the nature of the waste accepted at various
 1233 facilities when establishing these requirements, and may impose
 1234 less stringent requirements, including a system of general
 1235 permits or registration requirements, for facilities that accept
 1236 only a segregated waste stream which is expected to pose a
 1237 minimal risk to the environment and public health, such as clean
 1238 debris. The Legislature recognizes that incidental amounts of
 1239 other types of solid waste are commonly generated at construction
 1240 or demolition projects. In any enforcement action taken pursuant
 1241 to this section, the department shall consider the difficulty of
 1242 removing these incidental amounts from the waste stream.

1243 (b) The department shall not require liners and leachate
 1244 collection systems at individual facilities unless it
 1245 demonstrates, based upon the types of waste received, the methods
 1246 for controlling types of waste disposed of, the proximity of
 1247 groundwater and surface water, and the results of the

BILL ORIGINAL YEAR

1248 hydrogeological and geotechnical investigations, that the
 1249 facility is reasonably expected to result in violations of
 1250 groundwater standards and criteria otherwise.

1251 (c) The owner or operator shall provide financial assurance
 1252 for closing of the facility in accordance with the requirements
 1253 of s. 403.7125. The financial assurance shall cover the cost of
 1254 closing the facility and 5 years of long-term care after closing,
 1255 unless the department determines, based upon hydrogeologic
 1256 conditions, the types of wastes received, or the groundwater
 1257 monitoring results, that a different long-term care period is
 1258 appropriate. However, unless the owner or operator of the
 1259 facility is a local government, the escrow account described in
 1260 s. 403.7125(2) ~~s. 403.7125(3)~~ may not be used as a financial
 1261 assurance mechanism.

1262 (d) The department shall establish training requirements
 1263 for operators of facilities, and shall work with the State
 1264 University System or other providers to assure that adequate
 1265 training courses are available. The department shall also assist
 1266 the Florida Home Builders Association in establishing a component
 1267 of its continuing education program to address proper handling of
 1268 construction and demolition debris, including best management
 1269 practices for reducing contamination of the construction and
 1270 demolition debris waste stream.

1271 (e) The issuance of a permit under this subsection does not
 1272 obviate the need to comply with all applicable zoning and land
 1273 use regulations.

1274 (f) A permit is not required under this section for the
 1275 disposal of construction and demolition debris on the property
 1276 where it is generated, but such property must be covered, graded,

BILL ORIGINAL YEAR

1277 and vegetated as necessary when disposal is complete.

1278 (g) It is the policy of the Legislature to encourage
 1279 facilities to recycle. The department shall establish criteria
 1280 and guidelines that encourage recycling where practical and
 1281 provide for the use of recycled materials in a manner that
 1282 protects the public health and the environment. Facilities are
 1283 authorized to recycle, provided such activities do not conflict
 1284 with such criteria and guidelines.

1285 (h) The department shall ensure that the requirements of
 1286 this section are applied and interpreted consistently throughout
 1287 the state. In accordance with s. 20.255, the Division of Waste
 1288 Management shall direct the district offices and bureaus on
 1289 matters relating to the interpretation and applicability of this
 1290 section.

1291 (i) The department shall provide notice of receipt of a
 1292 permit application for the initial construction of a construction
 1293 and demolition debris disposal facility to the local governments
 1294 having jurisdiction where the facility is to be located.

1295 (j) The Legislature recognizes that recycling, waste
 1296 reduction, and resource recovery are important aspects of an
 1297 integrated solid waste management program and as such are
 1298 necessary to protect the public health and the environment. If
 1299 necessary to promote such an integrated program, the county may
 1300 determine, after providing notice and an opportunity for a
 1301 hearing prior to April 30, 2008 ~~December 31, 1996~~, that some or
 1302 all of the wood material described in s. 403.703(6)(b) ~~s.~~
 1303 ~~403.703(17)(b)~~ shall be excluded from the definition of
 1304 "construction and demolition debris" in s. 403.703(6) ~~s.~~
 1305 ~~403.703(17)~~ within the jurisdiction of such county. The county

BILL

ORIGINAL

YEAR

1306 may make such a determination only if it finds that, prior to
 1307 June 1, 2007 ~~1996~~, the county has established an adequate method
 1308 for the use or recycling of such wood material at an existing or
 1309 proposed solid waste management facility that is permitted or
 1310 authorized by the department on June 1, 2007 ~~1996~~. The county is
 1311 ~~shall not be~~ required to hold a hearing if the county represents
 1312 that it previously has held a hearing for such purpose, or ~~nor~~
 1313 ~~shall the county be required to hold a hearing~~ if the county
 1314 represents that it previously has held a public meeting or
 1315 hearing that authorized such method for the use or recycling of
 1316 trash or other nonputrescible waste materials and ~~if the county~~
 1317 ~~further represents~~ that such materials include those materials
 1318 described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~. The county shall
 1319 provide written notice of its determination to the department by
 1320 no later than April 30, 2008 ~~December 31, 1996~~; thereafter, the
 1321 ~~wood~~ materials described in s. 403.703(6) ~~s. 403.703(17)(b)~~ shall
 1322 be excluded from the definition of "construction and demolition
 1323 debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the jurisdiction
 1324 of such county. The county may withdraw or revoke its
 1325 determination at any time by providing written notice to the
 1326 department.

1327 (k) Brazilian pepper and other invasive exotic plant
 1328 species as designated by the department resulting from
 1329 eradication projects may be processed at permitted construction
 1330 and demolition debris recycling facilities or disposed of at
 1331 permitted construction and demolition debris disposal facilities
 1332 or Class III facilities. The department may adopt rules to
 1333 implement this paragraph.

1334 (10) ~~(13)~~ If the department and a local government

BILL ORIGINAL YEAR

1335 independently require financial assurance for the closure of a
 1336 privately owned solid waste management facility, the department
 1337 and that local government shall enter into an interagency
 1338 agreement that will allow the owner or operator to provide a
 1339 single financial mechanism to cover the costs of closure and any
 1340 required long-term care. The financial mechanism may provide for
 1341 the department and local government to be cobeneficiaries or
 1342 copayees, but shall not impose duplicative financial requirements
 1343 on the owner or operator. These closure costs must include at
 1344 least the minimum required by department rules and must also
 1345 include any additional costs required by local ordinance or
 1346 regulation.

1347 (11)~~(14)~~ Before or on the same day of filing with the
 1348 department of an application for a permit to construct or
 1349 substantially modify a solid waste management facility, the
 1350 applicant shall notify the local government having jurisdiction
 1351 over the facility of the filing of the application. The
 1352 applicant also shall publish notice of the filing of the
 1353 application in a newspaper of general circulation in the area
 1354 where the facility will be located. Notice shall be given and
 1355 published in accordance with applicable department rules. The
 1356 department shall not issue the requested permit until the
 1357 applicant has provided the department with proof that the notices
 1358 required by this subsection have been given. Issuance of a permit
 1359 does not relieve an applicant from compliance with local zoning
 1360 or land use ordinances, or with any other law, rules, or
 1361 ordinances.

1362 (12)~~(15)~~ Construction and demolition debris must be
 1363 separated from the solid waste stream and segregated in separate

BILL

ORIGINAL

YEAR

1364 | locations at a solid waste disposal facility or other permitted
 1365 | site.

1366 | ~~(13)-(16)~~ A ~~No~~ facility shall not be considered a solid
 1367 | waste disposal facility, solely by virtue of the fact that it
 1368 | uses processed yard trash or clean wood or paper waste as a fuel
 1369 | source, ~~shall be considered to be a solid waste disposal~~
 1370 | ~~facility.~~

1371 | (14) (a) A permit to operate a solid waste management
 1372 | facility may not be transferred by the permittee to any other
 1373 | entity without the consent of the department. If the permitted
 1374 | facility is sold or transferred, or if control of the facility is
 1375 | transferred, the permittee must submit to the department an
 1376 | application for transfer of permit no later than 30 days after
 1377 | the transfer of ownership or control. The department shall
 1378 | approve the transfer of a permit unless it determines that the
 1379 | proposed new permittee has not provided reasonable assurance that
 1380 | the conditions of the permit will be met. A permit may not be
 1381 | transferred until any proof of financial assurance required by
 1382 | department rule is provided by the proposed new permittee. If the
 1383 | existing permittee is under a continuing obligation to perform
 1384 | corrective actions as a result of a department enforcement action
 1385 | or consent order, the permit may not be transferred until the
 1386 | proposed new permittee agrees in writing to accept responsibility
 1387 | for performing such corrective actions.

1388 | (b) Until the transfer is approved by the department, the
 1389 | existing permittee is liable for compliance with the permit,
 1390 | including the financial-assurance requirements. When the transfer
 1391 | has been approved, the department shall return to the
 1392 | transferring permittee any means of proof of financial assurance

BILL

ORIGINAL

YEAR

1393 which the permittee provided to the department and the permittee
 1394 is released from obligations to comply with the transferred
 1395 permit.

1396 (c) An application for the transfer of a permit must
 1397 clearly state in bold letters that the permit may not be
 1398 transferred without proof of compliance with financial-assurance
 1399 requirements. Until the permit is transferred, the new owner or
 1400 operator may not operate the facility without the express consent
 1401 of the permittee.

1402 (d) The department may adopt rules to administer this
 1403 subsection, including procedural rules and the permit-transfer
 1404 form.

1405 Section 13. Section 403.7071, Florida Statutes, is created
 1406 to read:

1407 403.7071 Management of storm-generated debris.--Solid waste
 1408 generated as a result of a storm event that is the subject of an
 1409 emergency order issued by the department may be managed as
 1410 follows:

1411 (1) Recycling and reuse of storm-generated vegetative
 1412 debris is encouraged to the greatest extent practicable. Such
 1413 recycling and reuse must be conducted in accordance with
 1414 applicable department rules and may include, but is not limited
 1415 to, chipping and grinding of the vegetative debris to be
 1416 beneficially used as a ground cover or soil amendment, compost,
 1417 or as a combustible fuel for any applicable commercial or
 1418 industrial application.

1419 (2) The department may issue field authorizations for
 1420 staging areas in those counties affected by a storm event. Such
 1421 staging areas may be used for the temporary storage and

BILL

ORIGINAL

YEAR

1422 management of storm-generated debris, including the chipping,
 1423 grinding, or burning of vegetative debris. Field authorizations
 1424 may include specific conditions for the operation and closure of
 1425 the staging area and must specify the date that closure is
 1426 required. To the greatest extent possible, staging areas may not
 1427 be located in wetlands or other surface waters. The area that is
 1428 used or affected by a staging area must be fully restored upon
 1429 cessation of the use of the area.

1430 (3) Storm-generated vegetative debris managed at a staging
 1431 area may be disposed of in a permitted lined or unlined landfill,
 1432 a permitted land clearing debris facility, a permitted or
 1433 certified waste-to-energy facility, or a permitted construction
 1434 and demolition debris disposal facility. Vegetative debris may
 1435 also be managed at a permitted waste processing facility or a
 1436 registered yard-trash processing facility.

1437 (4) Construction and demolition debris that is mixed with
 1438 other storm-generated debris need not be segregated from other
 1439 solid waste before disposal in a lined landfill. Construction and
 1440 demolition debris that is source separated or is separated from
 1441 other hurricane-generated debris at an authorized staging area,
 1442 or at another area permitted or specifically authorized by the
 1443 department, may be managed at a permitted construction and
 1444 demolition debris disposal facility, a Class III landfill, or a
 1445 recycling facility upon approval by the department of the methods
 1446 and operational practices used to inspect the waste during
 1447 segregation.

1448 (5) Unsalvageable refrigerators and freezers containing
 1449 solid waste, such as rotting food, which may create a sanitary
 1450 nuisance may be disposed of in a permitted lined landfill;

BILL

ORIGINAL

YEAR

1451 however, chlorofluorocarbons and capacitors must be removed and
 1452 recycled to the greatest extent practicable.

1453 (6) Local governments or their agents may conduct the
 1454 burning of storm-generated yard trash, other storm-generated
 1455 vegetative debris, or untreated wood from construction and
 1456 demolition debris in air-curtain incinerators without prior
 1457 notice to the department. Within 10 days after commencing such
 1458 burning, the local government shall notify the department in
 1459 writing describing the general nature of the materials burned;
 1460 the location and method of burning; and the name, address, and
 1461 telephone number of the representative of the local government to
 1462 contact concerning the work. The operator of the air-curtain
 1463 incinerator is subject to any requirement of the Division of
 1464 Forestry or of any other agency concerning authorization to
 1465 conduct open burning. Any person conducting open burning of
 1466 vegetative debris is also subject to such requirements.

1467 Section 14. Section 403.708, Florida Statutes, is amended
 1468 to read:

1469 403.708 Prohibition; penalty.--

1470 (1) A ~~No~~ person may not ~~shall~~:

1471 (a) Place or deposit any solid waste in or on the land or
 1472 waters located within the state except in a manner approved by
 1473 the department and consistent with applicable approved programs
 1474 of counties or municipalities. However, ~~nothing in this act~~ does
 1475 not shall be construed to prohibit the disposal of solid waste
 1476 without a permit as provided in s. 403.707(2).

1477 (b) Burn solid waste except in a manner prescribed by the
 1478 department and consistent with applicable approved programs of
 1479 counties or municipalities.

BILL ORIGINAL YEAR

1480 (c) Construct, alter, modify, or operate a solid waste
 1481 management facility or site without first having obtained from
 1482 the department any permit required by s. 403.707.

1483 (2) A ~~No~~ beverage may not ~~shall~~ be sold or offered for sale
 1484 within the state in a beverage container designed and constructed
 1485 so that the container is opened by detaching a metal ring or tab.
 1486 As used in this subsection, the term

1487 ~~(3) For purposes of subsections (2), (9), and (10):~~

1488 ~~(a) "Degradable," with respect to any material, means that~~
 1489 ~~such material, after being discarded, is capable of decomposing~~
 1490 ~~to components other than heavy metals or other toxic substances,~~
 1491 ~~after exposure to bacteria, light, or outdoor elements.~~

1492 (a) ~~(b)~~ "Beverage" means soda water, carbonated natural or
 1493 mineral water, or other nonalcoholic carbonated drinks; soft
 1494 drinks, whether or not carbonated; beer, ale, or other malt drink
 1495 of whatever alcoholic content; or a mixed wine drink or a mixed
 1496 spirit drink.

1497 (b) ~~(e)~~ "Beverage container" means an airtight container
 1498 that ~~which~~ at the time of sale contains 1 gallon or less of a
 1499 beverage, or the metric equivalent of 1 gallon or less, and that
 1500 ~~which~~ is composed of metal, plastic, or glass or a combination
 1501 thereof.

1502 (3) ~~(4)~~ The Division of Alcoholic Beverages and Tobacco of
 1503 the Department of Business and Professional Regulation may impose
 1504 a fine of not more than \$100 on any person currently licensed
 1505 pursuant to s. 561.14 for each violation of ~~the provisions of~~
 1506 subsection (2). If the violation is of a continuing nature, each
 1507 day during which such violation occurs constitutes ~~shall~~
 1508 ~~constitute~~ a separate ~~and distinct~~ offense and is ~~shall be~~

BILL ORIGINAL YEAR

1509 subject to a separate fine.

1510 (4)~~(5)~~ The Department of Agriculture and Consumer Services
 1511 may impose a fine of not more than \$100 against ~~on~~ any person not
 1512 currently licensed pursuant to s. 561.14 for each violation of
 1513 the provisions of subsection (2). If the violation is of a
 1514 continuing nature, each day during which such violation occurs
 1515 constitutes ~~shall constitute~~ a separate and ~~distinct~~ offense and
 1516 is ~~shall be~~ subject to a separate fine.

1517 (5)~~(6)~~ Fifty percent of each fine collected pursuant to
 1518 subsections (3) ~~(4)~~ and (4) ~~(5)~~ shall be deposited into the Solid
 1519 Waste Management Trust Fund. The balance of fines collected
 1520 pursuant to subsection (3) ~~(4)~~ shall be deposited into the
 1521 Alcoholic Beverage and Tobacco Trust Fund for the use of the
 1522 division for inspection and enforcement of ~~the provisions of~~ this
 1523 section. The balance of fines collected pursuant to subsection
 1524 (4) ~~(5)~~ shall be deposited into the General Inspection Trust Fund
 1525 for the use of the Department of Agriculture and Consumer
 1526 Services for inspection and enforcement of ~~the provisions of~~ this
 1527 section.

1528 (6)~~(7)~~ The Division of Alcoholic Beverages and Tobacco and
 1529 the Department of Agriculture and Consumer Services shall
 1530 coordinate their responsibilities under ~~the provisions of~~ this
 1531 section to ensure that inspections and enforcement are
 1532 accomplished in an efficient, cost-effective manner.

1533 (7)~~(8)~~ A person may not distribute, sell, or expose for
 1534 sale in this state any plastic bottle or rigid container intended
 1535 for single use unless such container has a molded label
 1536 indicating the plastic resin used to produce the plastic
 1537 container. The label must appear on or near the bottom of the

BILL ORIGINAL YEAR

1538 plastic container product and be clearly visible. This label
 1539 must consist of a number placed inside a triangle and letters
 1540 placed below the triangle. The triangle must be equilateral and
 1541 must be formed by three arrows, and, in the middle of each arrow,
 1542 there must be a rounded bend that forms one apex of the triangle.
 1543 The pointer, or arrowhead, of each arrow must be at the midpoint
 1544 of a side of the triangle, and a short gap must separate each
 1545 pointer from the base of the adjacent arrow. The three curved
 1546 arrows that form the triangle must depict a clockwise path around
 1547 the code number. Plastic bottles of less than 16 ounces, rigid
 1548 plastic containers of less than 8 ounces, and plastic casings on
 1549 lead-acid storage batteries are not required to be labeled under
 1550 this subsection ~~section~~. The numbers and letters must be as
 1551 follows:

1552 (a) For polyethylene terephthalate, the letters "PETE" and
 1553 the number 1.

1554 (b) For high-density polyethylene, the letters "HDPE" and
 1555 the number 2.

1556 (c) For vinyl, the letter "V" and the number 3.

1557 (d) For low-density polyethylene, the letters "LDPE" and
 1558 the number 4.

1559 (e) For polypropylene, the letters "PP" and the number 5.

1560 (f) For polystyrene, the letters "PS" and the number 6.

1561 (g) For any other, the letters "OTHER" and the number 7.

1562 (8)~~(9)~~ A ~~No~~ person may not ~~shall~~ distribute, sell, or
 1563 expose for sale in this state any product packaged in a container
 1564 or packing material manufactured with fully halogenated
 1565 chlorofluorocarbons ~~(CFC)~~. Producers of containers or packing
 1566 material manufactured with chlorofluorocarbons ~~(CFC)~~ are urged to

BILL ORIGINAL YEAR

1567 introduce alternative packaging materials that ~~which~~ are
 1568 environmentally compatible.

1569 (9) ~~(10)~~ The packaging of products manufactured or sold in
 1570 the state may not be controlled by governmental rule, regulation,
 1571 or ordinance adopted after March 1, 1974, other than as expressly
 1572 provided in this act.

1573 (10) ~~(11)~~ Violations of this part or rules, regulations,
 1574 permits, or orders issued thereunder by the department and
 1575 violations of approved local programs of counties or
 1576 municipalities or rules, regulations, or orders issued thereunder
 1577 are ~~shall be~~ punishable by a civil penalty as provided in s.
 1578 403.141.

1579 (11) ~~(12)~~ The department or any county or municipality may
 1580 also seek to enjoin the violation of, or enforce compliance with,
 1581 this part or any program adopted hereunder as provided in s.
 1582 403.131.

1583 (12) ~~(13)~~ A ~~In accordance with the following schedule, no~~
 1584 person who knows or ~~who~~ should know of the nature of the
 1585 following types of such solid waste may not ~~shall~~ dispose of such
 1586 solid waste in landfills:

1587 (a) Lead-acid batteries, ~~after January 1, 1989.~~ Lead-acid
 1588 batteries also may ~~shall~~ not be disposed of in any waste-to-
 1589 energy facility ~~after January 1, 1989.~~ To encourage proper
 1590 collection and recycling, all persons who sell lead-acid
 1591 batteries at retail shall accept used lead-acid batteries as
 1592 trade-ins for new lead-acid batteries.

1593 (b) Used oil, ~~after October 1, 1988.~~

1594 (c) Yard trash, ~~after January 1, 1992, except in lined~~
 1595 ~~unlined~~ landfills classified by department rule as Class I

BILL ORIGINAL YEAR

1596 landfills. Yard trash that is source separated from solid waste
 1597 may be accepted at a solid waste disposal area where ~~the area~~
 1598 ~~provides and maintains~~ separate yard trash composting facilities
 1599 are provided and maintained. The department recognizes that
 1600 incidental amounts of yard trash may be disposed of in Class I
 1601 ~~lined~~ landfills. In any enforcement action taken pursuant to this
 1602 paragraph, the department shall consider the difficulty of
 1603 removing incidental amounts of yard trash from a mixed solid
 1604 waste stream.

1605 (d) White goods, ~~after January 1, 1990~~.

1606
 1607 ~~Prior to the effective dates specified in paragraphs (a) (d), the~~
 1608 ~~department shall identify and assist in developing alternative~~
 1609 ~~disposal, processing, or recycling options for the solid wastes~~
 1610 ~~identified in paragraphs (a) (d).~~

1611 Section 15. Section 403.709, Florida Statutes, is amended
 1612 to read:

1613 403.709 Solid Waste Management Trust Fund; use of waste
 1614 tire fees.--There is created the Solid Waste Management Trust
 1615 Fund, to be administered by the department.

1616 (1) From the annual revenues deposited in the trust fund,
 1617 unless otherwise specified in the General Appropriations Act:

1618 (a) ~~(1)~~ Up to 40 percent shall be used for funding solid
 1619 waste activities of the department and other state agencies, such
 1620 as providing technical assistance to local governments and the
 1621 private sector, performing solid waste regulatory and enforcement
 1622 functions, preparing solid waste documents, and implementing
 1623 solid waste education programs.

1624 (b) ~~(2)~~ Up to 4.5 percent shall be used for funding research

BILL

ORIGINAL

YEAR

1625 and training programs relating to solid waste management through
 1626 the Center for Solid and Hazardous Waste Management and other
 1627 organizations that ~~which~~ can reasonably demonstrate the
 1628 capability to carry out such projects.

1629 (c) ~~(3)~~ Up to 11 percent shall be used for funding to
 1630 supplement any other funds provided to the Department of
 1631 Agriculture and Consumer Services for mosquito control. This
 1632 distribution shall be annually transferred to the General
 1633 Inspection Trust Fund in the Department of Agriculture and
 1634 Consumer Services to be used for mosquito control, especially
 1635 control of West Nile Virus.

1636 (d) ~~(4)~~ Up to 4.5 percent shall be used for funding to the
 1637 Department of Transportation for litter prevention and control
 1638 programs through a certified Keep America Beautiful Affiliate at
 1639 the local level ~~coordinated by Keep Florida Beautiful, Inc.~~

1640 (e) ~~(5)~~ A minimum of 40 percent shall be used for funding a
 1641 competitive and innovative grant program pursuant to s. 403.7095
 1642 for activities relating to recycling and waste reduction ~~reducing~~
 1643 ~~the volume of municipal solid waste~~, including waste tires
 1644 requiring final disposal.

1645 (2) ~~(6)~~ The department shall recover to the use of the fund
 1646 from the site owner or the person responsible for the
 1647 accumulation of tires at the site, jointly and severally, all
 1648 sums expended from the fund pursuant to this section to manage
 1649 tires at an illegal waste tire site, except that the department
 1650 may decline to pursue such recovery if it finds the amount
 1651 involved too small or the likelihood of recovery too uncertain.
 1652 If a court determines that the owner is unable or unwilling to
 1653 comply with the rules adopted pursuant to this section or s.

BILL ORIGINAL YEAR

1654 403.717, the court may authorize the department to take
 1655 possession and control of the waste tire site in order to protect
 1656 the health, safety, and welfare of the community and the
 1657 environment.

1658 ~~(3)-(7)~~ The department may impose a lien on the real
 1659 property on which the waste tire site is located and the waste
 1660 tires equal to the estimated cost to bring the tire site into
 1661 compliance, including attorney's fees and court costs. Any owner
 1662 whose property has such a lien imposed may release her or his
 1663 property from any lien claimed under this subsection by filing
 1664 with the clerk of the circuit court a cash or surety bond,
 1665 payable to the department in the amount of the estimated cost of
 1666 bringing the tire site into compliance with department rules,
 1667 including attorney's fees and court costs, or the value of the
 1668 property after the abatement action is complete, whichever is
 1669 less. A lien provided by this subsection may not continue for a
 1670 period longer than 4 years after the abatement action is
 1671 completed, unless within that period an action to enforce the
 1672 lien is commenced in a court of competent jurisdiction. The
 1673 department may take action to enforce the lien in the same manner
 1674 used for construction liens under part I of chapter 713.

1675 ~~(4)-(8)~~ This section does not limit the use of other
 1676 remedies available to the department.

1677 Section 16. Section 403.7095, Florida Statutes, is amended
 1678 to read:

1679 403.7095 Solid waste management grant program.--

1680 (1) The department shall develop a competitive and
 1681 innovative grant program for counties, municipalities, special
 1682 districts, and nonprofit organizations that have legal

BILL ORIGINAL YEAR

1683 responsibility for the provision of solid waste management
 1684 services. For purposes of this program, "innovative" means that
 1685 the process, technology, or activity for which funding is sought
 1686 has not previously been implemented within the jurisdiction of
 1687 the applicant. The applicant must ~~that~~:

1688 (a) Demonstrate technologies or processes ~~that are not in~~
 1689 ~~common use in Florida,~~ that represent a novel application of an
 1690 existing technology or process to recycle or reduce waste, or
 1691 that overcome obstacles to recycling or ~~and~~ waste reduction in
 1692 new or innovative ways;

1693 (b) Demonstrate innovative processes to collect and recycle
 1694 or reduce materials targeted by the department and the recycling
 1695 industry; or

1696 (c) Demonstrate effective solutions to solving solid waste
 1697 problems resulting from waste tires, particularly in the areas of
 1698 enforcement and abatement of illegal tire dumping and activities
 1699 to promote market development of waste tire products.

1700
 1701 Because the Legislature recognizes that input from the recycling
 1702 industry is essential to the success of this grant program, the
 1703 department shall cooperate with private sector entities to
 1704 develop a process and define specific criteria for allowing their
 1705 participation with grant recipients.

1706 (2) The department shall evaluate and prioritize the annual
 1707 grant proposals and present the annual prioritized list of
 1708 projects to be funded to the Governor and the Legislature as part
 1709 of its annual budget request submitted pursuant to chapter 216-
 1710 ~~beginning with fiscal year 2003-2004.~~ Potential grant recipients
 1711 are encouraged to demonstrate local support for grant proposals

BILL ORIGINAL YEAR

1712 by the commitment of cash or in-kind matching funds.

1713 (3) The department shall develop a consolidated grant
 1714 program for small counties having populations fewer than 100,000,
 1715 with grants to be distributed equally among eligible counties.
 1716 Programs to be supported with the small-county consolidated
 1717 grants include general solid waste management, litter prevention
 1718 and control, and recycling and education programs.

1719 (4) The department shall develop a waste tire grant program
 1720 making grants available to all counties. The department shall
 1721 ensure that at least 25 percent of the funding available for
 1722 waste tire grants is distributed equally to each county having a
 1723 population fewer than 100,000. Of the remaining funds distributed
 1724 to counties having a population of 100,000 or greater, the
 1725 department shall distribute those funds on the basis of
 1726 population.

1727 (5) From the funds made available pursuant to s.
 1728 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by this
 1729 section, the following distributions shall be made:

1730 (a) Up to 15 percent for the program described in
 1731 subsection (1);

1732 (b) Up to 35 percent for the program described in
 1733 subsection (3); and

1734 (c) Up to 50 percent for the program described in
 1735 subsection (4).

1736 (6) The department may adopt rules necessary to administer
 1737 this section, including, but not limited to, rules governing
 1738 timeframes for submitting grant applications, criteria for
 1739 prioritizing, matching criteria, maximum grant amounts, and
 1740 allocation of appropriated funds based upon project and applicant

BILL

ORIGINAL

YEAR

1741 size.

1742 Section 17. Section 403.7125, Florida Statutes, is amended

1743 to read:

1744 403.7125 Financial assurance for closure ~~Landfill~~

1745 ~~management escrow account.~~ --

1746 ~~(1) As used in this section:~~

1747 ~~(a) "Landfill" means any solid waste land disposal area for~~

1748 ~~which a permit, other than a general permit, is required by s.~~

1749 ~~403.707 that receives solid waste for disposal in or upon land~~

1750 ~~other than a land spreading site, injection well, or a surface~~

1751 ~~impoundment.~~

1752 ~~(b) "Closure" means the ceasing operation of a landfill and~~

1753 ~~securing such landfill so that it does not pose a significant~~

1754 ~~threat to public health or the environment and includes long term~~

1755 ~~monitoring and maintenance of a landfill.~~

1756 ~~(c) "Owner or operator" means, in addition to the usual~~

1757 ~~meanings of the term, any owner of record of any interest in land~~

1758 ~~whereon a landfill is or has been located and any person or~~

1759 ~~corporation which owns a majority interest in any other~~

1760 ~~corporation which is the owner or operator of a landfill.~~

1761 (1)(2) Every owner or operator of a landfill is jointly and

1762 severally liable for the improper operation and closure of the

1763 landfill, as provided by law. As used in this section, the term

1764 "owner or operator" means any owner of record of any interest in

1765 land wherein a landfill is or has been located and any person or

1766 corporation that owns a majority interest in any other

1767 corporation that is the owner or operator of a landfill.

1768 (2)(3) The owner or operator of a landfill owned or

1769 operated by a local or state government or the Federal Government

BILL ORIGINAL YEAR

1770 shall establish a fee, or a surcharge on existing fees or other
 1771 appropriate revenue-producing mechanism, to ensure the
 1772 availability of financial resources for the proper closure of the
 1773 landfill. However, the disposal of solid waste by persons on
 1774 their own property, as described in s. 403.707(2), is exempt from
 1775 ~~the provisions of~~ this section.

1776 (a) The revenue-producing mechanism must produce revenue at
 1777 a rate sufficient to generate funds to meet state and federal
 1778 landfill closure requirements.

1779 (b) The revenue shall be deposited in an interest-bearing
 1780 escrow account to be held and administered by the owner or
 1781 operator. The owner or operator shall file with the department an
 1782 annual audit of the account. The audit shall be conducted by an
 1783 independent certified public accountant. Failure to collect or
 1784 report such revenue, except as allowed in subsection (3) ~~(4)~~, is
 1785 a noncriminal violation punishable by a fine of not more than
 1786 \$5,000 for each offense. The owner or operator may make
 1787 expenditures from the account and its accumulated interest only
 1788 for the purpose of landfill closure and, if such expenditures do
 1789 not deplete the fund to the detriment of eventual closure, for
 1790 planning and construction of resource recovery or landfill
 1791 facilities. Any moneys remaining in the account after paying for
 1792 proper and complete closure, as determined by the department,
 1793 shall, if the owner or operator does not operate a landfill, be
 1794 deposited by the owner or operator into the general fund or the
 1795 appropriate solid waste fund of the local government of
 1796 jurisdiction.

1797 (c) The revenue generated under this subsection and any
 1798 accumulated interest thereon may be applied to the payment of, or

BILL

ORIGINAL

YEAR

1799 pledged as security for, the payment of revenue bonds issued in
 1800 whole or in part for the purpose of complying with state and
 1801 federal landfill closure requirements. Such application or pledge
 1802 may be made directly in the proceedings authorizing such bonds or
 1803 in an agreement with an insurer of bonds to assure such insurer
 1804 of additional security therefor.

1805 (d) The provisions of s. 212.055 which ~~that~~ relate to
 1806 raising of revenues for landfill closure or long-term maintenance
 1807 do not relieve a landfill owner or operator from the obligations
 1808 of this section.

1809 (e) The owner or operator of any landfill that had
 1810 established an escrow account in accordance with this section and
 1811 the conditions of its permit prior to January 1, 2007, may
 1812 continue to use that escrow account to provide financial
 1813 assurance for closure of that landfill, even if that landfill is
 1814 not owned or operated by a local or state government or the
 1815 Federal Government.

1816 (3)-(4) An owner or operator of a landfill owned or operated
 1817 by a local or state government or by the Federal Government may
 1818 provide financial assurance to establish proof of financial
 1819 responsibility with the department in lieu of the requirements of
 1820 subsection (2) (3). An owner or operator of any other landfill,
 1821 or any other solid waste management facility designated by
 1822 department rule, shall provide financial assurance to the
 1823 department for the closure of the facility. Such financial
 1824 assurance ~~proof~~ may include surety bonds, certificates of
 1825 deposit, securities, letters of credit, or other documents
 1826 showing that the owner or operator has sufficient financial
 1827 resources to cover, at a minimum, the costs of complying with

BILL ORIGINAL YEAR

1828 applicable ~~landfill~~ closure requirements. The owner or operator
 1829 shall estimate such costs to the satisfaction of the department.

1830 ~~(4)(5)~~ This section does not repeal, limit, or abrogate any
 1831 other law authorizing local governments to fix, levy, or charge
 1832 rates, fees, or charges for the purpose of complying with state
 1833 and federal landfill closure requirements.

1834 ~~(5)(6)~~ The department shall adopt rules to implement this
 1835 section.

1836 Section 18. Subsections (1) and (3) of section 403.716,
 1837 Florida Statutes, are amended to read:

1838 403.716 Training of operators of solid waste management and
 1839 other facilities.--

1840 (1) The department shall establish qualifications for, and
 1841 encourage the development of training programs for, operators of
 1842 landfills, coordinators of local recycling programs, ~~operators of~~
 1843 ~~waste to energy facilities, biomedical waste incinerators, and~~
 1844 ~~mobile soil thermal treatment units or facilities,~~ and operators
 1845 of other solid waste management facilities.

1846 (3) A person may not perform the duties of an operator of a
 1847 landfill without first completing, ~~or perform the duties of an~~
 1848 ~~operator of a waste to energy facility, biomedical waste~~
 1849 ~~incinerator, or mobile soil thermal treatment unit or facility,~~
 1850 ~~unless she or he has completed~~ an operator training course
 1851 approved by the department or qualifying ~~she or he has qualified~~
 1852 as an interim operator in compliance with requirements
 1853 established by the department by rule. An owner of a landfill,
 1854 ~~waste to energy facility, biomedical waste incinerator, or mobile~~
 1855 ~~soil thermal treatment unit or facility~~ may not employ any person
 1856 to perform the duties of an operator unless such person has

BILL ORIGINAL YEAR

1857 completed an approved landfill, ~~waste-to-energy facility,~~
 1858 ~~biomedical waste incinerator, or mobile soil thermal treatment~~
 1859 ~~unit or facility~~ operator training course, ~~as appropriate,~~ or has
 1860 qualified as an interim operator in compliance with requirements
 1861 established by the department by rule. The department may
 1862 establish by rule operator training requirements for other solid
 1863 waste management facilities and facility operators.

1864 Section 19. Section 403.717, Florida Statutes, is amended
 1865 to read:

1866 403.717 Waste tire and lead-acid battery requirements.--

1867 (1) For purposes of this section and ss. 403.718 and
 1868 403.7185:

1869 (a) "Department" means the Department of Environmental
 1870 Protection.

1871 (b) "Motor vehicle" means an automobile, motorcycle, truck,
 1872 trailer, semitrailer, truck tractor and semitrailer combination,
 1873 or any other vehicle operated in this state, used to transport
 1874 persons or property and propelled by power other than muscular
 1875 power, ~~but~~ The term does not include traction engines, road
 1876 rollers, ~~such~~ vehicles that ~~as~~ run only upon a track, bicycles,
 1877 mopeds, or farm tractors and trailers.

1878 (c) "Tire" means a continuous solid or pneumatic rubber
 1879 covering encircling the wheel of a motor vehicle.

1880 (d) "Waste tire" means a tire that has been removed from a
 1881 motor vehicle and has not been retreaded or regrooved. The term
 1882 ~~"Waste tire"~~ includes, but is not limited to, used tires and
 1883 processed tires. The term does not include solid rubber tires and
 1884 tires that are inseparable from the rim.

1885 (e) "Waste tire collection center" means a site where waste

BILL ORIGINAL YEAR

1886 tires are collected from the public prior to being offered for
 1887 recycling and where fewer than 1,500 tires are kept on the site
 1888 on any given day.

1889 (f) "Waste tire processing facility" means a site where
 1890 equipment is used to treat waste tires mechanically, chemically,
 1891 or thermally so that the resulting material is a marketable
 1892 product or is suitable for proper disposal ~~recapture reusable~~
 1893 ~~byproducts from waste tires or to cut, burn, or otherwise alter~~
 1894 ~~waste tires so that they are no longer whole.~~ The term includes
 1895 mobile waste tire processing equipment.

1896 (g) "Waste tire site" means a site at which 1,500 or more
 1897 waste tires are accumulated.

1898 (h) "Lead-acid battery" means a ~~those~~ lead-acid battery
 1899 ~~batteries~~ designed for use in motor vehicles, vessels, and
 1900 aircraft, and includes such batteries when sold new as a
 1901 component part of a motor vehicle, vessel, or aircraft, but not
 1902 when sold to recycle components.

1903 (i) "Indoor" means within a structure that ~~which~~ excludes
 1904 rain and public access and would control air flows in the event
 1905 of a fire.

1906 (j) "Processed tire" means a tire that has been treated
 1907 mechanically, chemically, or thermally so that the resulting
 1908 material is a marketable product or is suitable for proper
 1909 disposal.

1910 (k) "Used tire" means a waste tire which has a minimum
 1911 tread depth of 3/32 inch or greater and is suitable for use on a
 1912 motor vehicle.

1913 (2) The owner or operator of any waste tire site shall
 1914 provide the department with information concerning the site's

BILL ORIGINAL YEAR

1915 location, size, and the approximate number of waste tires that
 1916 are accumulated at the site and shall initiate steps to comply
 1917 with subsection (3).

1918 (3) (a) A person may not maintain a waste tire site unless
 1919 such site is:

1920 1. An integral part of the person's permitted waste tire
 1921 processing facility; or

1922 2. Used for the storage of waste tires prior to processing
 1923 and is located at a permitted solid waste management facility.

1924 (b) It is unlawful for any person to dispose of waste tires
 1925 or processed tires in the state except at a permitted solid waste
 1926 management facility. Collection or storage of waste tires at a
 1927 permitted waste tire processing facility or waste tire collection
 1928 center prior to processing or use does not constitute disposal,
 1929 provided that the collection and storage complies with rules
 1930 established by the department.

1931 (c) Whole waste tires may not be deposited in a landfill as
 1932 a method of ultimate disposal.

1933 (d) A person may not contract with a waste tire collector
 1934 for the transportation, disposal, or processing of waste tires
 1935 unless the collector is registered with the department or exempt
 1936 from requirements provided under this section. Any person who
 1937 contracts with a waste tire collector for the transportation of
 1938 more than 25 waste tires per month from a single business
 1939 location must maintain records for that location and make them
 1940 available for review by the department or by law enforcement
 1941 officers, which records must contain the date when the tires were
 1942 transported, the quantity of tires, the registration number of
 1943 the collector, and the name of the driver.

BILL ORIGINAL YEAR

1944 (4) The department shall adopt rules to administer ~~carry~~
 1945 ~~out the provisions of~~ this section and s. 403.718. Such rules
 1946 shall:

1947 (a) Must provide for the administration or revocation of
 1948 waste tire processing facility permits, including mobile
 1949 processor permits;

1950 (b) Must provide for the administration or revocation of
 1951 waste tire collector registrations, the fee ~~fees~~ for which may
 1952 not exceed \$50 per vehicle registered annually;

1953 (c) Must provide for the administration or revocation of
 1954 waste tire collection center permits, the fee for which may not
 1955 exceed \$250 annually;

1956 (d) Must set standards, including financial assurance
 1957 standards, for waste tire processing facilities and associated
 1958 waste tire sites, waste tire collection centers, waste tire
 1959 collectors, and for the storage of waste tires and processed
 1960 tires, including storage indoors;

1961 (e) ~~The department~~ May ~~by rule~~ exempt not-for-hire waste
 1962 tire collectors and processing facilities from financial
 1963 assurance requirements;

1964 (f) Must authorize the final disposal of waste tires at a
 1965 permitted solid waste disposal facility provided the tires have
 1966 been cut into sufficiently small parts to assure their proper
 1967 disposal; and

1968 (g) Must allow waste tire material that ~~which~~ has been cut
 1969 into sufficiently small parts to be used as daily cover material
 1970 for a landfill.

1971 ~~(5) A permit is not required for tire storage at:~~

1972 ~~(a) A tire retreading business where fewer than 1,500 waste~~

BILL ORIGINAL YEAR

1973 ~~tires are kept on the business premises;~~
 1974 ~~(b) A business that, in the ordinary course of business,~~
 1975 ~~removes tires from motor vehicles if fewer than 1,500 of these~~
 1976 ~~tires are kept on the business premises; or~~
 1977 ~~(c) A retail tire selling business which is serving as a~~
 1978 ~~waste tire collection center if fewer than 1,500 waste tires are~~
 1979 ~~kept on the business premises.~~
 1980 (5)~~(6)~~(a) The department shall encourage the voluntary
 1981 establishment of waste tire collection centers at retail tire-
 1982 selling businesses, waste tire processing facilities, and solid
 1983 waste disposal facilities, to be open to the public for the
 1984 deposit of waste tires.
 1985 (b) The department may ~~is authorized to~~ establish an
 1986 incentives program ~~for individuals~~ to encourage individuals ~~them~~
 1987 to return their waste tires to a waste tire collection center.
 1988 The incentives ~~used by the department~~ may involve the use of
 1989 discount or prize coupons, prize drawings, promotional giveaways,
 1990 or other activities the department determines will promote
 1991 collection, reuse, volume reduction, and proper disposal of waste
 1992 tires.
 1993 (c) The department may contract with a promotion company to
 1994 administer the incentives program.
 1995 Section 20. Section 403.7221, Florida Statutes, is
 1996 transferred, renumbered as section 403.70715, Florida Statutes,
 1997 and is amended to read:
 1998 403.70715 ~~403.7221~~ Research, development, and demonstration
 1999 permits.--
 2000 (1) The department may issue a research, development, and
 2001 demonstration permit to the owner or operator of any solid waste

BILL ORIGINAL YEAR

2002 management facility or hazardous waste management facility who
 2003 proposes to utilize an innovative and experimental solid waste
 2004 treatment technology or process for which permit standards have
 2005 not been promulgated. Permits shall:
 2006 (a) Provide for construction and operation of the facility
 2007 for not longer than 3 years ~~1 year~~, renewable no more than 3
 2008 times.
 2009 (b) Provide for the receipt and treatment by the facility
 2010 of only those types and quantities of solid waste which the
 2011 department deems necessary for purposes of determining the
 2012 performance capabilities of the technology or process and the
 2013 effects of such technology or process on human health and the
 2014 environment.
 2015 (c) Include requirements the department deems necessary
 2016 which may include monitoring, operation, testing, financial
 2017 responsibility, closure, and remedial action.
 2018 (2) The department may apply the criteria set forth in this
 2019 section in establishing the conditions of each permit without
 2020 separate establishment of rules implementing such criteria.
 2021 (3) For the purpose of expediting review and issuance of
 2022 permits under this section, the department may, consistent with
 2023 the protection of human health and the environment, modify or
 2024 waive permit application and permit issuance requirements, except
 2025 that there shall be no modification or waiver of regulations
 2026 regarding financial responsibility or of procedures established
 2027 regarding public participation.
 2028 (4) The department may order an immediate termination of
 2029 all operations at the facility at any time upon a determination
 2030 that termination is necessary to protect human health and the

BILL ORIGINAL YEAR

2031 environment.

2032 Section 21. Subsections (1), (2), (3), (4), (5), (6), (7),

2033 (8), and (9) of section 403.722, Florida Statutes, are amended to

2034 read:

2035 403.722 Permits; hazardous waste disposal, storage, and

2036 treatment facilities.--

2037 (1) Each person who intends to or is required to construct,

2038 modify, operate, or close a hazardous waste disposal, storage, or

2039 treatment facility shall obtain a construction permit, operation

2040 permit, postclosure permit, clean closure plan approval, or

2041 corrective action permit from the department prior to

2042 constructing, modifying, operating, or closing the facility. By

2043 rule, the department may provide for the issuance of a single

2044 permit instead of any two or more hazardous waste facility

2045 permits.

2046 (2) Any owner or operator of a hazardous waste facility in

2047 operation on the effective date of the department rule listing

2048 and identifying hazardous wastes shall file an application for a

2049 temporary operation permit within 6 months after the effective

2050 date of such rule. The department, upon receipt of a properly

2051 completed application, shall identify any department rules that

2052 ~~which~~ are being violated by the facility and ~~shall~~ establish a

2053 compliance schedule. However, if the department determines that

2054 an imminent hazard exists, the department may take any necessary

2055 action pursuant to s. 403.726 to abate the hazard. The department

2056 shall issue a temporary operation permit to such facility within

2057 the time constraints of s. 120.60 upon submission of a properly

2058 completed application that ~~which~~ is in conformance with this

2059 subsection. Temporary operation permits for such facilities shall

BILL ORIGINAL YEAR

2060 be issued for up to 3 years only. Upon termination of the
 2061 temporary operation permit and upon proper application by the
 2062 facility owner or operator, the department shall issue an
 2063 operation permit for such existing facilities if the applicant
 2064 has corrected all of the deficiencies identified in the temporary
 2065 operation permit and is in compliance with all other rules
 2066 adopted pursuant to this act.

2067 (3) ~~Permit~~ Applicants shall provide any information that
 2068 ~~which~~ will enable the department to determine that the proposed
 2069 construction, modification, operation, ~~or~~ closure, or corrective
 2070 action will comply with this act and any applicable rules. In no
 2071 instance shall any person construct, modify, operate, or close a
 2072 facility or perform corrective actions at a facility in
 2073 contravention of the standards, requirements, or criteria for a
 2074 hazardous waste facility. Authorizations ~~Permits~~ issued under
 2075 this section may include any permit conditions necessary to
 2076 achieve compliance with applicable hazardous waste rules and
 2077 necessary to protect human health and the environment.

2078 (4) The department may require, in an ~~a permit~~ application,
 2079 submission of information concerning matters specified in s.
 2080 403.721(6) as well as information respecting:

2081 (a) Estimates of the composition, quantity, and
 2082 concentration of any hazardous waste identified or listed under
 2083 this act or combinations of any such waste and any other solid
 2084 waste, proposed to be disposed of, treated, transported, or
 2085 stored and the time, frequency, or rate at which such waste is
 2086 proposed to be disposed of, treated, transported, or stored; and

2087 (b) The site to which such hazardous waste or the products
 2088 of treatment of such hazardous waste will be transported and at

BILL

ORIGINAL

YEAR

2089 | which it will be disposed of, treated, or stored.

2090 | (5) An authorization ~~A permit~~ issued pursuant to this
 2091 | section is not a vested right. The department may revoke or
 2092 | modify any such authorization ~~permit~~.

2093 | (a) Authorizations ~~Permits~~ may be revoked for failure of
 2094 | the holder to comply with ~~the provisions of~~ this act, the terms
 2095 | of the authorization ~~permit~~, the standards, requirements, or
 2096 | criteria adopted pursuant to this act, or an order of the
 2097 | department; for refusal by the holder to allow lawful inspection;
 2098 | for submission by the holder of false or inaccurate information
 2099 | in the permit application; or if necessary to protect the public
 2100 | health or the environment.

2101 | (b) Authorizations ~~Permits~~ may be modified, upon request of
 2102 | the holder ~~permittee~~, if such modification is not in violation of
 2103 | this act or department rules or if the department finds the
 2104 | modification necessary to enable the facility to remain in
 2105 | compliance with this act and department rules.

2106 | (c) An owner or operator of a hazardous waste facility in
 2107 | existence on the effective date of a department rule changing an
 2108 | exemption or listing and identifying the hazardous wastes that
 2109 | ~~which~~ require that facility to be permitted who notifies the
 2110 | department pursuant to s. 403.72, and who has applied for a
 2111 | permit pursuant to subsection (2), may continue to operate until
 2112 | ~~be~~ issued a temporary operation permit. If such owner or operator
 2113 | intends to or is required to discontinue operation, the temporary
 2114 | operation permit must include final closure conditions.

2115 | (6) A hazardous waste facility permit issued pursuant to
 2116 | this section shall satisfy the permit requirements of s.
 2117 | 403.707(1). The permit exemptions provided in s. 403.707(2) do

BILL ORIGINAL YEAR

2118 ~~shall~~ not apply to hazardous waste.

2119 (7) The department may establish ~~permit~~ application
 2120 procedures for hazardous waste facilities, which procedures may
 2121 vary based on differences in amounts, types, and concentrations
 2122 of hazardous waste and on differences in the size and location of
 2123 facilities and which procedures may take into account permitting
 2124 procedures of other laws not in conflict with this act.

2125 (8) For authorizations ~~permits~~ required by this section,
 2126 the department may require that a fee be paid and may establish,
 2127 by rule, a fee schedule based on the degree of hazard and the
 2128 amount and type of hazardous waste disposed of, stored, or
 2129 treated at the facility.

2130 (9) It shall not be a requirement for the issuance of ~~such~~
 2131 a hazardous waste authorization ~~permit~~ that the facility complies
 2132 with an adopted local government comprehensive plan, local land
 2133 use ordinances, zoning ordinances or regulations, or other local
 2134 ordinances. However, the issuance of such an authorization a
 2135 ~~permit issued~~ by the department does ~~shall~~ not override any
 2136 ~~adopted local plan, ordinance, or regulation government~~
 2137 ~~comprehensive plans, local land use ordinances, zoning ordinances~~
 2138 ~~or regulations, or other local ordinances.~~

2139 Section 22. Subsection (2) of section 403.7226, Florida
 2140 Statutes, is amended to read:

2141 403.7226 Technical assistance by the department.--The
 2142 department shall:

2143 (2) Identify short-term needs and long-term needs for
 2144 hazardous waste management for the state on the basis of the
 2145 information gathered through the local hazardous waste management
 2146 assessments and other information from state and federal

BILL ORIGINAL YEAR

2147 regulatory agencies and sources. The state needs assessment must
 2148 be ongoing and must be updated when new data concerning waste
 2149 generation and waste management technologies become available.
 2150 ~~The department shall annually send a copy of this assessment to~~
 2151 ~~the Governor and to the Legislature.~~

2152 Section 23. Subsection (3) of section 403.724, Florida
 2153 Statutes, is amended to read:

2154 403.724 Financial responsibility.--

2155 (3) The amount of financial responsibility required shall
 2156 be approved by the department upon each issuance, renewal, or
 2157 modification of a hazardous waste facility authorization ~~permit~~.
 2158 Such factors as inflation rates and changes in operation may be
 2159 considered when approving financial responsibility for the
 2160 duration of the authorization ~~permit~~. The Office of Insurance
 2161 Regulation of the Department of Financial Services ~~Commission~~
 2162 shall be available to assist the department in making this
 2163 determination. In approving or modifying the amount of financial
 2164 responsibility, the department shall consider:

2165 (a) The amount and type of hazardous waste involved;

2166 (b) The probable damage to human health and the
 2167 environment;

2168 (c) The danger and probable damage to private and public
 2169 property near the facility;

2170 (d) The probable time that the hazardous waste and facility
 2171 involved will endanger the public health, safety, and welfare or
 2172 the environment; and

2173 (e) The probable costs of properly closing the facility and
 2174 performing corrective action.

2175 Section 24. Section 403.7255, Florida Statutes, is amended

BILL

ORIGINAL

YEAR

2176 to read:
 2177 403.7255 Placement of signs ~~Department to adopt rules.~~--
 2178 (1) ~~The department shall adopt rules which establish~~
 2179 ~~requirements and procedures for the placement of Signs~~ must be
 2180 placed by the owner or operator at sites which may have been
 2181 ~~contaminated by hazardous wastes. Sites shall include any site in~~
 2182 the state which ~~that~~ is listed or proposed for listing on the
 2183 Superfund Site List of the United States Environmental Protection
 2184 Agency or any site identified by the department as a ~~suspected or~~
 2185 ~~confirmed contaminated~~ site contaminated by hazardous waste where
 2186 there is ~~may be~~ a risk of exposure to the public. ~~The~~
 2187 ~~requirements of~~ This section does ~~shall~~ not apply to sites
 2188 reported under ss. 376.3071 and 376.3072. The department shall
 2189 establish requirements and procedures for the placement of signs,
 2190 and may do so in rules, permits, orders, or other authorizations.
 2191 The authorization ~~rules~~ shall establish the appropriate size for
 2192 such signs, which size shall be no smaller than 2 feet by 2 feet,
 2193 and shall provide in clearly legible print appropriate warning
 2194 language for the waste or other materials at the site and a
 2195 telephone number that ~~which~~ may be called for further
 2196 information.
 2197 (2) Violations of this act are punishable as provided in s.
 2198 403.161(4).
 2199 (3) The provisions of this act are independent of and
 2200 cumulative to any other requirements and remedies in this chapter
 2201 or chapter 376, or any rules promulgated thereunder.
 2202 Section 25. Subsection (5) of section 403.726, Florida
 2203 Statutes, is amended to read:
 2204 403.726 Abatement of imminent hazard caused by hazardous

BILL ORIGINAL YEAR

2205 substance.--

2206 (5) The department may issue a permit or order requiring

2207 prompt abatement of an imminent hazard.

2208 Section 26. Section 403.7265, Florida Statutes, is amended

2209 to read:

2210 403.7265 Local hazardous waste collection program.--

2211 (1) The Legislature recognizes the need for local

2212 governments to establish local hazardous waste management

2213 programs and local collection centers throughout the state.

2214 Local hazardous waste management programs are to educate and

2215 assist small businesses and households in properly managing the

2216 hazardous waste they generate. Local collection centers are to

2217 serve a purpose similar to the collection locations used in the

2218 amnesty days program described in s. 403.7264. Such collection

2219 centers are to be operated to provide a service to homeowners,

2220 farmers, and conditionally exempt small quantity generators to

2221 encourage proper hazardous waste management. Local collection

2222 centers will allow local governments the opportunity to provide a

2223 location for collection and temporary storage of small quantities

2224 of hazardous waste. A private hazardous waste management company

2225 should be responsible for collecting the waste within 90 days for

2226 transfer to a permitted recycling, disposal, or treatment

2227 facility. In time, local collection centers are to become

2228 privately operated businesses in order to reduce the burden of

2229 hazardous waste collection on local government.

2230 ~~(2) The department shall develop a statewide local~~

2231 ~~hazardous waste management plan which will ensure comprehensive~~

2232 ~~collection and proper management of hazardous waste from small~~

2233 ~~quantity generators and household hazardous waste in Florida.~~

BILL

ORIGINAL

YEAR

2234 ~~The plan shall address, at a minimum, a network of local~~
 2235 ~~collection centers, transfer stations, and expanded hazardous~~
 2236 ~~waste collection route services. The plan shall assess the need~~
 2237 ~~for additional compliance verification inspections, enforcement,~~
 2238 ~~and penalties. The plan shall include a strategy, timetable, and~~
 2239 ~~budget for implementation.~~

2240 (2)~~(3)~~ For the purposes of this section, the phrase:

2241 (a) "Collection center" means a secured site approved by
 2242 the department to be used as a base for a hazardous waste
 2243 collection facility.

2244 (b) "Regional collection center" means a facility permitted
 2245 by the department for the storage of hazardous wastes.

2246 (3)~~(4)~~ The department shall establish a grant program for
 2247 local governments that ~~which~~ desire to provide a local or
 2248 regional hazardous waste collection center. Grants shall be
 2249 authorized to cover collection center costs associated with
 2250 capital outlay for preparing a facility or site to safely serve
 2251 as a collection center and to cover costs of administration,
 2252 public awareness, and local amnesty days programs. The total cost
 2253 for administration and public awareness may ~~shall~~ not exceed 10
 2254 percent of the grant award. Grants shall be available on a
 2255 competitive basis to local governments which:

2256 (a) Comply with ~~the provisions of~~ ss. 403.7225 and
 2257 403.7264;

2258 (b) Design a collection center which is approved by the
 2259 department; and

2260 (c) Provide up to 33 percent of the capital outlay money
 2261 needed for the facility as matching money.

2262 (4)~~(5)~~ The maximum amount of a grant for any local

BILL

ORIGINAL

YEAR

2263 government participating in the development of a collection
 2264 center is ~~shall be~~ \$100,000. If a regional collection facility
 2265 is designed, each participating county is ~~shall be~~ eligible for
 2266 up to \$100,000. The department may ~~is authorized to~~ use up to 1
 2267 percent of the funds appropriated for the local hazardous waste
 2268 collection center grant program for administrative costs and
 2269 public education relating to proper hazardous waste management.

2270 (5) ~~(6)~~ The department shall establish a cooperative
 2271 collection center arrangement grant program enabling a local
 2272 hazardous waste collection center grantee to receive a financial
 2273 incentive for hosting an amnesty days program in a neighboring
 2274 county that is currently unable to establish a permanent
 2275 collection center, but desires a local hazardous waste
 2276 collection. The grant may reimburse up to 75 percent of the
 2277 neighboring county's amnesty days. Grants shall be available, on
 2278 a competitive basis, to local governments that ~~which~~:

2279 (a) Have established operational hazardous waste collection
 2280 centers and are willing to assume a host role, similar to that of
 2281 the state in the amnesty days program described in s. 403.7264,
 2282 in organizing a local hazardous waste collection in the
 2283 neighboring county.

2284 (b) Enter into, and jointly submit, an interlocal agreement
 2285 outlining department-established duties for both the host local
 2286 government and neighboring county.

2287 (6) ~~(7)~~ The maximum amount for the cooperative collection
 2288 center arrangement grant is \$35,000, with a maximum amnesty days
 2289 reimbursement of \$25,000, and a limit of \$10,000 for the host
 2290 local government. The host local government may receive up to
 2291 \$10,000 per cooperative collection center arrangement in addition

BILL ORIGINAL YEAR

2292 to its maximum local hazardous waste collection center grant.
 2293 ~~(7)-(8)~~ The department may ~~has the authority to~~ establish an
 2294 additional local project grant program enabling a local hazardous
 2295 waste collection center grantee to receive funding for unique
 2296 projects that improve the collection and lower the incidence of
 2297 improper management of conditionally exempt or household
 2298 hazardous waste. Eligible local governments may receive up to
 2299 \$50,000 in grant funds for these unique and innovative projects,
 2300 provided they match 25 percent of the grant amount. If the
 2301 department finds that the project has statewide applicability and
 2302 immediate benefits to other local hazardous waste collection
 2303 programs in the state, matching funds are not required. This
 2304 grant will not count toward the \$100,000 maximum grant amount for
 2305 development of a collection center.
 2306 ~~(8)-(9)~~ The department may ~~has the authority to~~ use grant
 2307 funds authorized under this section to assist local governments
 2308 in carrying out the responsibilities and programs specified in
 2309 ss. 403.7225, 403.7226, 403.7234, 403.7236, and 403.7238.
 2310 Section 27. Sections 403.7075, 403.756, and 403.7895,
 2311 Florida Statutes, are repealed.
 2312 Section 28. Sections 403.78, 403.781, 403.782, 403.783,
 2313 403.784, 403.7841, 403.7842, 403.785, 403.786, 403.787, 403.7871,
 2314 403.7872, 403.7873, 403.788, 403.7881, 403.789, 403.7891,
 2315 403.7892, and 403.7893, Florida Statutes, are repealed.
 2316 Section 29. This act shall take effect July 1, 2007.