

1 A bill to be entitled

2 An act relating to solid waste; amending s. 320.08058,  
3 F.S.; revising provisions relating to the distribution of  
4 the fees paid for Florida Wildflower license plates to  
5 conform to changes made by the act; specifying uses of the  
6 proceeds; requiring that such proceeds be distributed to  
7 the Department of Agriculture and Consumer Services under  
8 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

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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.

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

88 | regarding signs to notify the public about hazardous waste  
 89 | contamination of certain sites; amending s. 403.726, F.S.;  
 90 | authorizing the Department of Environmental Protection to  
 91 | issue an order to abate certain hazards; amending s.  
 92 | 403.7265, F.S.; deleting provisions requiring a statewide  
 93 | local hazardous waste management plan; requiring a local  
 94 | government to provide matching funds for grants concerning  
 95 | conditionally exempt or household hazardous waste under  
 96 | certain conditions; repealing s. 403.7075, F.S., relating  
 97 | to the submission of a plan or application for certain  
 98 | permits for a solid waste management facility; repealing  
 99 | s. 403.756, F.S., relating to an annual used oil report;  
 100 | repealing s. 403.7895, F.S., relating to permitting and a  
 101 | certification of need for a commercial hazardous waste  
 102 | incinerator; amending ss. 171.205, 316.003, 377.709, and  
 103 | 487.048, F.S.; conforming cross-references; repealing ss.  
 104 | 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841,  
 105 | 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872,  
 106 | 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892,  
 107 | and 403.7893, F.S., relating to the Statewide Multipurpose  
 108 | Hazardous Waste Facility Siting Act; providing an  
 109 | effective date.

110

111 | Be It Enacted by the Legislature of the State of Florida:

112

113 | Section 1. Subsection (28) of section 320.08058, Florida  
 114 | Statutes, is amended to read:

115 | 320.08058 Specialty license plates.--

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

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117 (a) The department shall develop a Florida Wildflower  
118 license plate as provided in this section. The word "Florida"  
119 must appear at the top of the plate, and the words "State  
120 Wildflower" and "coreopsis" must appear at the bottom of the  
121 plate.

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

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

134 2. A maximum of 15 ~~10~~ percent of the proceeds from the sale  
135 of such plates may be used for administrative and marketing  
136 costs.

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

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146 in this paragraph.

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

149 403.413 Florida Litter Law.--

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

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

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

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

168 Section 3. Section 403.4131, Florida Statutes, is amended  
169 to read:

170 403.4131 Litter control "~~Keep Florida Beautiful,~~  
171 ~~Incorporated~~"; ~~placement of signs.~~--

172 ~~(1) It is the intent of the Legislature that a coordinated~~  
173 ~~effort of interested businesses, environmental and civic~~  
174 ~~organizations, and state and local agencies of government be~~

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

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204 ~~Association of Florida, the Florida Retail Federation, the Pulp~~  
205 ~~and Paper Association, the Florida Automobile Dealers~~  
206 ~~Association, the Beer Industries of Florida, the Florida Beer~~  
207 ~~Wholesalers Association, and the Distilled Spirits Wholesalers.~~

208 ~~(2) As a partner working with government, business, civic,~~  
209 ~~environmental, and other organizations, Keep Florida Beautiful,~~  
210 ~~Incorporated, shall strive to assist the state and its local~~  
211 ~~communities by contracting for the development of a highly~~  
212 ~~visible antilitter campaign that, at a minimum, includes:~~

213 ~~(a) Coordinating with the Center for Marine Conservation~~  
214 ~~and the Center for Solid and Hazardous Waste Management to~~  
215 ~~identify components of the marine debris and litter stream and~~  
216 ~~groups that habitually litter.~~

217 ~~(b) Designing appropriate advertising to promote the proper~~  
218 ~~management of solid waste, with emphasis on educating groups that~~  
219 ~~habitually litter.~~

220 ~~(c) Fostering public awareness and striving to build an~~  
221 ~~environmental ethic in this state through the development of~~  
222 ~~educational programs that result in an understanding and in~~  
223 ~~action on the part of individuals and organizations about the~~  
224 ~~role they must play in preventing litter and protecting Florida's~~  
225 ~~environment.~~

226 ~~(d) Developing educational programs and materials that~~  
227 ~~promote the proper management of solid waste, including the~~  
228 ~~proper disposal of litter.~~

229 ~~(e) Administering grants provided by the state. Grants~~  
230 ~~authorized under this section shall be subject to normal~~  
231 ~~department audit procedures and review.~~

232 (1)~~(3)~~ The Department of Transportation shall establish an



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233 "adopt-a-highway" program to allow local organizations to be  
234 identified with specific highway cleanup and highway  
235 beautification projects authorized under s. 339.2405 ~~and shall~~  
236 ~~coordinate such efforts with Keep Florida Beautiful, Inc.~~ The  
237 department shall report to the Governor and the Legislature on  
238 the progress achieved and the savings incurred by the "adopt-a-  
239 highway" program. The department shall also monitor and report on  
240 compliance with provisions of the adopt-a-highway program to  
241 ensure that organizations that participate in the program comply  
242 with the goals identified by the department.

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

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

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262 Counties that have a population under 100,000 ~~75,000~~ are  
263 encouraged to develop a regional approach to administering and  
264 coordinating their litter control and prevention programs.

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

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

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

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

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291 ~~to be designed to serve as a baseline by measuring the amount of~~  
292 ~~current litter and marine debris, and is to include a methodology~~  
293 ~~for measuring the reduction in the amount of litter and marine~~  
294 ~~debris to determine the progress toward the litter reduction goal~~  
295 ~~established in subsection (8). Annually thereafter, additional~~  
296 ~~surveys are to be conducted and must also include a methodology~~  
297 ~~for measuring the reduction in the amount of litter and for~~  
298 ~~determining progress toward the litter reduction goal established~~  
299 ~~in subsection (8).~~

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

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

319 Section 4. Paragraphs (a) and (j) of subsection (2) of

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320 section 403.41315, Florida Statutes, are amended to read:

321 403.41315 Comprehensive illegal dumping, litter, and marine  
322 debris control and prevention.--

323 (2) The comprehensive illegal dumping, litter, and marine  
324 debris control and prevention program at a minimum must include  
325 the following:

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

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

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

338 403.4133 Adopt-a-Shore Program.--

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

346 Section 6. Section 403.703, Florida Statutes, is amended to  
347 read:

348 (Substantial rewording of section. See

349 s. 403.703, F.S., for present text.)  
350 403.703 Definitions.--As used in this part, the term:  
351 (1) "Ash residue" has the same meaning as in the department  
352 rule governing solid waste combustors which defines the term.  
353 (2) "Biological waste" means solid waste that causes or has  
354 the capability of causing disease or infection and includes, but  
355 is not limited to, biomedical waste, diseased or dead animals,  
356 and other wastes capable of transmitting pathogens to humans or  
357 animals. The term does not include human remains that are  
358 disposed of by persons licensed under chapter 497.  
359 (3) "Biomedical waste" means any solid waste or liquid  
360 waste that may present a threat of infection to humans. The term  
361 includes, but is not limited to, nonliquid human tissue and body  
362 parts, laboratory and veterinary waste that contains human-  
363 disease-causing agents, discarded disposable sharps, human blood  
364 and human blood products and body fluids, and other materials  
365 that in the opinion of the Department of Health represent a  
366 significant risk of infection to persons outside the generating  
367 facility. The term does not include human remains that are  
368 disposed of by persons licensed under chapter 497.  
369 (4) "Clean debris" means any solid waste that is virtually  
370 inert, that is not a pollution threat to groundwater or surface  
371 waters, that is not a fire hazard, and that is likely to retain  
372 its physical and chemical structure under expected conditions of  
373 disposal or use. The term includes uncontaminated concrete,  
374 including embedded pipe or steel, brick, glass, ceramics, and  
375 other wastes designated by the department.  
376 (5) "Closure" means the cessation of operation of a solid  
377 waste management facility and the act of securing such facility

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378 so that it will pose no significant threat to human health or the  
379 environment and includes long-term monitoring and maintenance of  
380 a facility if required by department rule.

381 (6) "Construction and demolition debris" means discarded  
382 materials generally considered to be not water soluble and  
383 nonhazardous in nature, including, but not limited to, steel,  
384 glass, brick, concrete, asphalt roofing material, pipe, gypsum  
385 wallboard, and lumber, from the construction or destruction of a  
386 structure as part of a construction or demolition project or from  
387 the renovation of a structure, and includes rocks, soils, tree  
388 remains, trees, and other vegetative matter that normally results  
389 from land clearing or land development operations for a  
390 construction project, including such debris from construction of  
391 structures at a site remote from the construction or demolition  
392 project site. Mixing of construction and demolition debris with  
393 other types of solid waste will cause the resulting mixture to be  
394 classified as other than construction and demolition debris. The  
395 term also includes:

396 (a) Clean cardboard, paper, plastic, wood, and metal scraps  
397 from a construction project;

398 (b) Except as provided in s. 403.707(9)(j), yard trash and  
399 unpainted, nontreated wood scraps and wood pallets from sources  
400 other than construction or demolition projects;

401 (c) Scrap from manufacturing facilities which is the type  
402 of material generally used in construction projects and which  
403 would meet the definition of construction and demolition debris  
404 if it were generated as part of a construction or demolition  
405 project. This includes debris from the construction of  
406 manufactured homes and scrap shingles, wallboard, siding

407 concrete, and similar materials from industrial or commercial  
 408 facilities; and

409 (d) De minimis amounts of other nonhazardous wastes that  
 410 are generated at construction or destruction projects, provided  
 411 such amounts are consistent with best management practices of the  
 412 industry.

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

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

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

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

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

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

435 (13) "Hazardous waste" means solid waste, or a combination

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436 of solid wastes, which, because of its quantity, concentration,  
437 or physical, chemical, or infectious characteristics, may cause,  
438 or significantly contribute to, an increase in mortality or an  
439 increase in serious irreversible or incapacitating reversible  
440 illness or may pose a substantial present or potential hazard to  
441 human health or the environment when improperly transported,  
442 disposed of, stored, treated, or otherwise managed. The term does  
443 not include human remains that are disposed of by persons  
444 licensed under chapter 497.

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

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

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

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

464 (18) "Manifest" means the recordkeeping system used for



465 identifying the concentration, quantity, composition, origin,  
 466 routing, and destination of hazardous waste during its  
 467 transportation from the point of generation to the point of  
 468 disposal, storage, or treatment.

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

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

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

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

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

492 (24) "Recovered materials" means metal, paper, glass,  
 493 plastic, textile, or rubber materials that have known recycling

494 potential, can be feasibly recycled, and have been diverted and  
495 source separated or have been removed from the solid waste stream  
496 for sale, use, or reuse as raw materials, whether or not the  
497 materials require subsequent processing or separation from each  
498 other, but the term does not include materials destined for any  
499 use that constitutes disposal. Recovered materials as described  
500 in this subsection are not solid waste.

501 (25) "Recovered materials processing facility" means a  
502 facility engaged solely in the storage, processing, resale, or  
503 reuse of recovered materials. Such a facility is not a solid  
504 waste management facility if it meets the conditions of s.  
505 403.7045(1)(e).

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

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

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

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

520 (30) "Sludge" includes the accumulated solids, residues,  
521 and precipitates generated as a result of waste treatment or  
522 processing, including wastewater treatment, water-supply

523 treatment, or operation of an air pollution control facility, and  
524 mixed liquids and solids pumped from septic tanks, grease traps,  
525 privies, or similar waste disposal appurtenances.

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

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

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

544 (34) "Solid waste management facility" means any solid  
545 waste disposal area, volume reduction plant, transfer station,  
546 materials recovery facility, or other facility, the purpose of  
547 which is resource recovery or the disposal, recycling,  
548 processing, or storage of solid waste. The term does not include  
549 recovered materials processing facilities that meet the  
550 requirements of s. 403.7046, except the portion of such  
551 facilities, if any, which is used for the management of solid

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552 waste.

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

567 (36) "Special wastes" means solid wastes that can require  
568 special handling and management, including, but not limited to,  
569 white goods, waste tires, used oil, lead-acid batteries,  
570 construction and demolition debris, ash residue, yard trash, and  
571 biological wastes.

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

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

579 (39) "Transport" means the movement of hazardous waste from  
580 the point of generation or point of entry into the state to any

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581 offsite intermediate points and to the point of offsite ultimate  
582 disposal, storage, treatment, or exit from the state.

583 (40) "Treatment," when used in connection with hazardous  
584 waste, means any method, technique, or process, including  
585 neutralization, which is designed to change the physical,  
586 chemical, or biological character or composition of any hazardous  
587 waste so as to neutralize it or render it nonhazardous, safe for  
588 transport, amenable to recovery, amenable to storage or disposal,  
589 or reduced in volume or concentration. The term includes any  
590 activity or processing that is designed to change the physical  
591 form or chemical composition of hazardous waste so as to render  
592 it nonhazardous.

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

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

600 (43) "Yard trash" means vegetative matter resulting from  
601 landscaping maintenance and land clearing operations and includes  
602 associated rocks and soils.

603 Section 7. Section 403.704, Florida Statutes, is amended to  
604 read:

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

609 (1) Develop and implement, in consultation with local

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610 governments, a state solid waste management program, as defined  
611 in s. 403.705, ~~and update the program at least every 3 years. In~~  
612 ~~developing rules to implement the state solid waste management~~  
613 ~~program, the department shall hold public hearings around the~~  
614 ~~state and shall give notice of such public hearings to all local~~  
615 ~~governments and regional planning agencies.~~

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

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

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

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

633 (6) Encourage recycling and resource recovery as a source  
634 of energy and materials.

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

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639 ~~(8) Charge reasonable fees for any services it performs~~  
640 ~~pursuant to this act, provided user fees shall apply uniformly~~  
641 ~~within each municipality or county to all users who are provided~~  
642 ~~with solid waste management services.~~

643 ~~(9) Acquire, at its discretion, personal or real property~~  
644 ~~or any interest therein by gift, lease, or purchase for the~~  
645 ~~purpose of providing sites for solid waste management facilities.~~

646 ~~(10) Acquire, construct, reconstruct, improve, maintain,~~  
647 ~~equip, furnish, and operate, at its discretion, such solid waste~~  
648 ~~management facilities as are called for by the state solid waste~~  
649 ~~management program.~~

650 ~~(11) Receive funds or revenues from the sale of products,~~  
651 ~~materials, fuels, or energy in any form derived from processing~~  
652 ~~of solid waste by state owned or state operated facilities, which~~  
653 ~~funds or revenues shall be deposited into the Solid Waste~~  
654 ~~Management Trust Fund.~~

655 ~~(8)(12)~~ Determine by rule the facilities, equipment,  
656 personnel, and number of monitoring wells to be provided at each  
657 Class I solid waste disposal facility area.

658 ~~(13) Encourage, but not require, as part of a Class II~~  
659 ~~solid waste disposal area, a potable water supply; an employee~~  
660 ~~shelter; handwashing and toilet facilities; equipment washout~~  
661 ~~facilities; electric service for operations and repairs;~~  
662 ~~equipment shelter for maintenance and storage of parts,~~  
663 ~~equipment, and tools; scales for weighing solid waste received at~~  
664 ~~the disposal area; a trained equipment operator in full-time~~  
665 ~~attendance during operating hours; and communication facilities~~  
666 ~~for use in emergencies. The department may require an attendant~~  
667 ~~at a Class II solid waste disposal area during the hours of~~

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668 ~~operation if the department affirmatively demonstrates that such~~  
669 ~~a requirement is necessary to prevent unlawful fires,~~  
670 ~~unauthorized dumping, or littering of nearby property.~~

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

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



697 | more stringent than one that ~~which~~ has been set by the United  
 698 | States Environmental Protection Agency, the procedures set forth  
 699 | in s. 403.804(2) shall be followed. The department shall not,  
 700 | however, adopt hazardous waste rules for solid waste for which  
 701 | special studies were required prior to October 1, 1988, under s.  
 702 | 8002 of the Resource Conservation and Recovery Act, 42 U.S.C. s.  
 703 | 6982, as amended, until the studies are completed by the United  
 704 | States Environmental Protection Agency and the information is  
 705 | available to the department for consideration in adopting its own  
 706 | rule.

707 |       (10)~~(16)~~ Issue or modify permits on such conditions as are  
 708 | necessary to effect the intent and purposes of this act, and may  
 709 | deny or revoke permits.

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

722 |       (11)~~(18)~~ Develop and implement or contract for services to  
 723 | develop information on recovered materials markets and strategies  
 724 | for market development and expansion for use of these materials.  
 725 | Additionally, the department shall maintain a directory of

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726 recycling businesses operating in the state and shall serve as a  
 727 coordinator to match recovered materials with markets. Such  
 728 directory shall be made available to the public and to local  
 729 governments to assist with their solid waste management  
 730 activities.

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

736 (12)~~(20)~~ Establish accounts and deposit to the Solid Waste  
 737 Management Trust Fund and control and administer moneys it may  
 738 withdraw from the fund.

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

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

750 (15)~~(23)~~ Delegate its powers, enter into contracts, or take  
 751 such other actions as may be necessary to implement this act.

752 (16)~~(24)~~ Receive and administer funds appropriated for  
 753 county hazardous waste management assessments.

754 (17)~~(25)~~ Provide technical assistance to local governments

755 and regional agencies to ensure consistency between county  
 756 hazardous waste management assessments; coordinate the  
 757 development of such assessments with the assistance of the  
 758 appropriate regional planning councils; and review and make  
 759 recommendations to the Legislature relative to the sufficiency of  
 760 the assessments to meet state hazardous waste management needs.

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

766 (19)~~(27)~~ Assist the hazardous waste storage, treatment, or  
 767 disposal industry by providing to the industry any data produced  
 768 on the types and quantities of hazardous waste generated.

769 (20)~~(28)~~ Institute a hazardous waste emergency response  
 770 program which would include emergency telecommunication  
 771 capabilities and coordination with appropriate agencies.

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

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

783 Section 8. Section 403.7043, Florida Statutes, is amended

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784 to read:

785 403.7043 Compost standards and applications.--

786 (1) In order to protect the state's land and water  
787 resources, compost produced, utilized, or disposed of by the  
788 composting process at solid waste management facilities in the  
789 state must meet criteria established by the department.

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

796 (a) Requirements necessary to produce hygienically safe  
797 compost products for varying applications.

798 (b) A classification scheme for compost based on+ the types  
799 of waste composted, ~~including at least one type containing only~~  
800 ~~yard trash,~~ the maturity of the compost, ~~including at least three~~  
801 ~~degrees of decomposition for fresh, semimature, and mature,~~ and  
802 the levels of organic and inorganic constituents in the compost.  
803 This scheme shall address:

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

811 ~~(3) Within 6 months after October 1, 1988, the department~~  
812 ~~shall initiate rulemaking to prescribe the allowable uses and~~

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813 ~~application rates of compost and shall complete and promulgate~~  
814 ~~those rules within 12 months after initiating the process of~~  
815 ~~rulemaking, based on the following criteria:~~

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

819 ~~(b) The allowable uses of compost based on maturity and~~  
820 ~~type of compost.~~

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

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

830 Section 9. Subsections (1), (2), and (3) of section  
831 403.7045, Florida Statutes, are amended to read:

832 403.7045 Application of act and integration with other  
833 acts.--

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

836 (a) Byproduct material, source material, and special  
837 nuclear material, the generation, transportation, disposal,  
838 storage, or treatment of which is regulated under chapter 404 or  
839 ~~under~~ the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat.  
840 923, as amended;

841 (b) Suspended solids and dissolved materials in domestic

842 sewage effluent or irrigation return flows or other discharges  
 843 which are point sources subject to permits pursuant to ~~provisions~~  
 844 ~~of this chapter or pursuant to~~ s. 402 of the Clean Water Act,  
 845 Pub. L. No. 95-217;

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

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

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

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

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

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

871           4. The facility is registered as required in s. 403.7046.  
 872           (f) Industrial byproducts, if:  
 873           1. A majority of the industrial byproducts are demonstrated  
 874 to be sold, used, or reused within 1 year.  
 875           2. The industrial byproducts are not discharged, deposited,  
 876 injected, dumped, spilled, leaked, or placed upon any land or  
 877 water so that such industrial byproducts, or any constituent  
 878 thereof, may enter other lands or be emitted into the air or  
 879 discharged into any waters, including groundwaters, or otherwise  
 880 enter the environment such that a threat of contamination in  
 881 excess of applicable department standards and criteria or a  
 882 significant threat to public health is caused.  
 883           3. The industrial byproducts are not hazardous wastes as  
 884 defined under s. 403.703 and rules adopted under this section.  
 885           (2) Except as provided in s. 403.704(9) ~~s. 403.704(15)~~, the  
 886 following wastes shall not be regulated as a hazardous waste  
 887 pursuant to this act, except when determined by the United States  
 888 Environmental Protection Agency to be a hazardous waste:  
 889           (a) Ashes and scrubber sludges generated from the burning  
 890 of boiler fuel for generation of electricity or steam.  
 891           (b) Agricultural and silvicultural byproduct material and  
 892 agricultural and silvicultural process waste from normal farming  
 893 or processing.  
 894           (c) Discarded material generated by the mining and  
 895 beneficiation and chemical or thermal processing of phosphate  
 896 rock, and precipitates resulting from neutralization of phosphate  
 897 chemical plant process and nonprocess waters.  
 898           (3) The following wastes or activities shall be regulated  
 899 pursuant to this act in the following manner:

900           (a) Dredged material that is generated as part of a project  
 901 permitted under part IV of chapter 373 or chapter 161, or that is  
 902 authorized to be removed from sovereign submerged lands under  
 903 chapter 253, ~~Dredge spoil or fill material~~ shall be managed in  
 904 accordance with the conditions of that permit or authorization  
 905 unless the dredged material is regulated as hazardous waste  
 906 pursuant to this part ~~disposed of pursuant to a dredge and fill~~  
 907 permit, but whenever hazardous components are disposed of within  
 908 the dredge or fill material, the dredge and fill permits shall  
 909 specify the specific hazardous wastes contained and the  
 910 concentration of each such waste. If the dredged material  
 911 contains hazardous substances, the department may further then  
 912 limit or restrict the disposal, sale, or use of the dredged  
 913 ~~dredge and fill~~ material and may specify such other conditions  
 914 relative to this material as are reasonably necessary to protect  
 915 the public from the potential hazards. However, this paragraph  
 916 does not require the routine testing of dredge material for  
 917 hazardous substances unless there is a reasonable expectation  
 918 that such substances will be present.

919           (b) Hazardous wastes that ~~which~~ are contained in artificial  
 920 recharge waters or other waters intentionally introduced into any  
 921 underground formation and that ~~which~~ are permitted pursuant to s.  
 922 373.106 shall also be handled in compliance with the requirements  
 923 and standards for disposal, storage, and treatment of hazardous  
 924 waste under this act.

925           (c) Solid waste or hazardous waste facilities that ~~which~~  
 926 are operated as a part of the normal operation of a power  
 927 generating facility and which are licensed by certification  
 928 pursuant to the Florida Electrical Power Plant Siting Act, ss.



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929 403.501-403.518, shall undergo such certification subject to the  
 930 substantive provisions of this act.

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

941 Section 10. Paragraph (f) of subsection (2) of section  
 942 403.705, Florida Statutes, is amended to read:

943 403.705 State solid waste management program.--

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

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

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

953 403.7061 Requirements for review of new waste-to-energy  
 954 facility capacity by the Department of Environmental  
 955 Protection.--

956 (2) Notwithstanding any other provisions of state law, the  
 957 department shall not issue a construction permit or certification

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958 | to build a waste-to-energy facility or expand an existing waste-  
 959 | to-energy facility unless the facility meets the requirements set  
 960 | forth in subsection (3). Any construction permit issued by the  
 961 | department between January 1, 1993, and May 12, 1993, which does  
 962 | not address these new requirements is ~~shall be~~ invalid. These new  
 963 | requirements do not apply to the issuance of permits or permit  
 964 | modifications to retrofit existing facilities with new or  
 965 | improved pollution control equipment to comply with state or  
 966 | federal law. The department may ~~shall~~ initiate rulemaking to  
 967 | incorporate the criteria in subsection (3) into its permit review  
 968 | process.

969 |         Section 12. Section 403.707, Florida Statutes, is amended  
 970 | to read:

971 |             403.707 Permits.--

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

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987 to the permittee. The department shall adopt a rule establishing  
988 performance standards for construction and closure of solid waste  
989 management facilities. The standards shall allow flexibility in  
990 design and consideration for site-specific characteristics.

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

997 (a) Disposal by persons of solid waste resulting from their  
998 own activities on their own property, if ~~provided~~ such waste is  
999 ~~either~~ ordinary household waste from their residential property  
1000 or is rocks, soils, trees, tree remains, and other vegetative  
1001 matter that ~~which~~ normally result from land development  
1002 operations. Disposal of materials that ~~which~~ could create a  
1003 public nuisance or adversely affect the environment or public  
1004 health, such as+ white goods; automotive materials, such as  
1005 batteries and tires; petroleum products; pesticides; solvents; or  
1006 hazardous substances, is not covered under this exemption.

1007 (b) Storage in containers by persons of solid waste  
1008 resulting from their own activities on their property, leased or  
1009 rented property, or property subject to a homeowners or  
1010 maintenance association for which the person contributes  
1011 association assessments, if the solid waste in such containers is  
1012 collected at least once a week.

1013 (c) Disposal by persons of solid waste resulting from their  
1014 own activities on their property, if ~~provided~~ the environmental  
1015 effects of such disposal on groundwater and surface waters are:

1016 1. Addressed or authorized by a site certification order  
 1017 issued under part II or a permit issued by the department under  
 1018 ~~pursuant to~~ this chapter or rules adopted pursuant to this  
 1019 chapter thereto; or

1020 2. Addressed or authorized by, or exempted from the  
 1021 requirement to obtain, a groundwater monitoring plan approved by  
 1022 the department.

1023 (d) Disposal by persons of solid waste resulting from their  
 1024 own activities on their own property, if ~~provided that~~ such  
 1025 disposal occurred prior to October 1, 1988.

1026 (e) Disposal of solid waste resulting from normal farming  
 1027 operations as defined by department rule. Polyethylene  
 1028 agricultural plastic, damaged, nonsalvageable, untreated wood  
 1029 pallets, and packing material that cannot be feasibly recycled,  
 1030 which are used in connection with agricultural operations related  
 1031 to the growing, harvesting, or maintenance of crops, may be  
 1032 disposed of by open burning if a, ~~provided that no~~ public  
 1033 nuisance or any condition adversely affecting the environment or  
 1034 the public health is not created by the open burning thereby and  
 1035 ~~that~~ state or federal ambient air quality standards are not  
 1036 violated.

1037 (f) The use of clean debris as fill material in any area.  
 1038 However, this paragraph does not exempt any person from obtaining  
 1039 any other required permits, and ~~nor~~ does not ~~it~~ affect a person's  
 1040 responsibility to dispose of clean debris appropriately if it is  
 1041 not to be used as fill material.

1042 (g) Compost operations that produce less than 50 cubic  
 1043 yards of compost per year when the compost produced is used on  
 1044 the property where the compost operation is located.

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1045 (3) All applicable provisions of ss. 403.087 and 403.088,  
1046 relating to permits, apply to the control of solid waste  
1047 management facilities.

1048 (4) When application for a construction permit for a Class  
1049 I ~~or Class II~~ solid waste disposal facility area is made, it is  
1050 the duty of the department to provide a copy of the application,  
1051 within 7 days after filing, to the water management district  
1052 having jurisdiction where the area is to be located. The water  
1053 management district may prepare an advisory report as to the  
1054 impact on water resources. This report must ~~shall~~ contain the  
1055 district's recommendations as to the disposition of the  
1056 application and shall be submitted to the department no later  
1057 than 30 days prior to the deadline for final agency action by the  
1058 department. However, the failure of the department or the water  
1059 management district to comply with the provisions of this  
1060 subsection shall not be the basis for the denial, revocation, or  
1061 remand of any permit or order issued by the department.

1062 (5) The department may not issue a construction permit  
1063 pursuant to this part for a new solid waste landfill within 3,000  
1064 feet of Class I surface waters.

1065 (6) The department may issue a construction permit pursuant  
1066 to this part only to a solid waste management facility that  
1067 provides the conditions necessary to control the safe movement of  
1068 wastes or waste constituents into surface or ground waters or the  
1069 atmosphere and that will be operated, maintained, and closed by  
1070 qualified and properly trained personnel. Such facility must if  
1071 necessary:

1072 (a) Use natural or artificial barriers that which are  
1073 capable of controlling lateral or vertical movement of wastes or

1074 waste constituents into surface or ground waters.

1075 (b) Have a foundation or base that is capable of providing  
 1076 support for structures and waste deposits and capable of  
 1077 preventing foundation or base failure due to settlement,  
 1078 compression, or uplift.

1079 (c) Provide for the most economically feasible, cost-  
 1080 effective, and environmentally safe control of leachate, gas,  
 1081 stormwater, and disease vectors and prevent the endangerment of  
 1082 public health and the environment.

1083  
 1084 Open fires, air-curtain incinerators, or trench burning may not  
 1085 be used as a means of disposal at a solid waste management  
 1086 facility, unless permitted by the department under s. 403.087.

1087 (7) Prior to application for a construction permit, an  
 1088 applicant shall designate to the department temporary backup  
 1089 disposal areas or processes for the resource recovery facility.  
 1090 Failure to designate temporary backup disposal areas or processes  
 1091 shall result in a denial of the construction permit.

1092 (8) The department may refuse to issue a permit to an  
 1093 applicant who by past conduct in this state has repeatedly  
 1094 violated pertinent statutes, rules, or orders or permit terms or  
 1095 conditions relating to any solid waste management facility and  
 1096 who is deemed to be irresponsible as defined by department rule.  
 1097 For the purposes of this subsection, an applicant includes the  
 1098 owner or operator of the facility, or if the owner or operator is  
 1099 a business entity, a parent of a subsidiary corporation, a  
 1100 partner, a corporate officer or director, or a stockholder  
 1101 holding more than 50 percent of the stock of the corporation.

1102 ~~(9) Before or on the same day of filing with the department~~

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1103 ~~of an application for any construction permit for the~~  
1104 ~~incineration of biomedical waste which the department may require~~  
1105 ~~by rule, the applicant shall notify each city and county within 1~~  
1106 ~~mile of the facility of the filing of the application and shall~~  
1107 ~~publish notice of the filing of the application. The applicant~~  
1108 ~~shall publish a second notice of the filing within 14 days after~~  
1109 ~~the date of filing. Each notice shall be published in a newspaper~~  
1110 ~~of general circulation in the county in which the facility is~~  
1111 ~~located or is proposed to be located. Notwithstanding the~~  
1112 ~~provisions of chapter 50, for purposes of this section, a~~  
1113 ~~"newspaper of general circulation" shall be the newspaper within~~  
1114 ~~the county in which the installation or facility is proposed~~  
1115 ~~which has the largest daily circulation in that county and has~~  
1116 ~~its principal office in that county. If the newspaper with the~~  
1117 ~~largest daily circulation has its principal office outside the~~  
1118 ~~county, the notice shall appear in both the newspaper with the~~  
1119 ~~largest daily circulation in that county, and a newspaper~~  
1120 ~~authorized to publish legal notices in that county. The notice~~  
1121 ~~shall contain:~~

1122 ~~(a) The name of the applicant and a brief description of~~  
1123 ~~the facility and its location.~~

1124 ~~(b) The location of the application file and when it is~~  
1125 ~~available for public inspection.~~

1126  
1127 ~~The notice shall be prepared by the applicant and shall comply~~  
1128 ~~with the following format:~~

1129  
1130 ~~Notice of Application~~  
1131

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1132 ~~The Department of Environmental Protection announces receipt of~~  
1133 ~~an application for a permit from (name of applicant) to~~  
1134 ~~(brief description of project). This proposed project will be~~  
1135 ~~located at (location) in (county) (city).~~

1136  
1137 ~~This application is being processed and is available for public~~  
1138 ~~inspection during normal business hours, 8:00 a.m. to 5:00 p.m.,~~  
1139 ~~Monday through Friday, except legal holidays, at (name and~~  
1140 ~~address of office).~~

1141 ~~(10) A permit, which the department may require by rule,~~  
1142 ~~for the incineration of biomedical waste, may not be transferred~~  
1143 ~~by the permittee to any other entity, except in conformity with~~  
1144 ~~the requirements of this subsection.~~

1145 ~~(a) Within 30 days after the sale or legal transfer of a~~  
1146 ~~permitted facility, the permittee shall file with the department~~  
1147 ~~an application for transfer of the permits on such form as the~~  
1148 ~~department shall establish by rule. The form must be completed~~  
1149 ~~with the notarized signatures of both the transferring permittee~~  
1150 ~~and the proposed permittee.~~

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



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1161 ~~permittee and the proposed permittee a written objection to such~~  
1162 ~~transfer together with notice of a right to request a proceeding~~  
1163 ~~on such determination under chapter 120.~~

1164 ~~(c) Within 90 days after receiving a properly completed~~  
1165 ~~application for transfer of a permit, the department shall issue~~  
1166 ~~a final determination. The department may toll the time for~~  
1167 ~~making a determination on the transfer by notifying both the~~  
1168 ~~transferring permittee and the proposed permittee that additional~~  
1169 ~~information is required to adequately review the transfer~~  
1170 ~~request. Such notification shall be provided within 30 days after~~  
1171 ~~receipt of an application for transfer of the permit, completed~~  
1172 ~~pursuant to paragraph (a). If the department fails to take action~~  
1173 ~~to approve or deny the transfer within 90 days after receipt of~~  
1174 ~~the completed application or within 90 days after receipt of the~~  
1175 ~~last item of timely requested additional information, the~~  
1176 ~~transfer shall be deemed approved.~~

1177 ~~(d) The transferring permittee is encouraged to apply for a~~  
1178 ~~permit transfer well in advance of the sale or legal transfer of~~  
1179 ~~a permitted facility. However, the transfer of the permit shall~~  
1180 ~~not be effective prior to the sale or legal transfer of the~~  
1181 ~~facility.~~

1182 ~~(e) Until the transfer of the permit is approved by the~~  
1183 ~~department, the transferring permittee and any other person~~  
1184 ~~constructing, operating, or maintaining the permitted facility~~  
1185 ~~shall be liable for compliance with the terms of the permit.~~  
1186 ~~Nothing in this section shall relieve the transferring permittee~~  
1187 ~~of liability for corrective actions that may be required as a~~  
1188 ~~result of any violations occurring prior to the legal transfer of~~  
1189 ~~the permit.~~

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1190           ~~(11) The department shall review all permit applications~~  
1191 ~~for any designated Class I solid waste disposal facility. As used~~  
1192 ~~in this subsection, the term "designated Class I solid waste~~  
1193 ~~disposal facility" means any facility that is, as of May 12,~~  
1194 ~~1993, a solid waste disposal facility classified as an active~~  
1195 ~~Class I landfill by the department, that is located in whole or~~  
1196 ~~in part within 1,000 feet of the boundary of any municipality,~~  
1197 ~~but that is not located within any county with an approved~~  
1198 ~~charter or consolidated municipal government, is not located~~  
1199 ~~within any municipality, and is not operated by a municipality.~~  
1200 ~~The department shall not permit vertical expansion or horizontal~~  
1201 ~~expansion of any designated Class I solid waste disposal facility~~  
1202 ~~unless the application for such permit was filed before January~~  
1203 ~~1, 1993, and no solid waste management facility may be operated~~  
1204 ~~which is a vertical expansion or horizontal expansion of a~~  
1205 ~~designated Class I solid waste disposal facility. As used in this~~  
1206 ~~subsection, the term "vertical expansion" means any activity that~~  
1207 ~~will result in an increase in the height of a designated Class I~~  
1208 ~~solid waste disposal facility above 100 feet National Geodetic~~  
1209 ~~Vertical Datum, except solely for closure, and the term~~  
1210 ~~"horizontal expansion" means any activity that will result in an~~  
1211 ~~increase in the ground area covered by a designated Class I solid~~  
1212 ~~waste disposal facility, or if within 1 mile of a designated~~  
1213 ~~Class I solid waste disposal facility, any new or expanded~~  
1214 ~~operation of any solid waste disposal facility or area, or of~~  
1215 ~~incineration of solid waste, or of storage of solid waste for~~  
1216 ~~more than 1 year, or of composting of solid waste other than yard~~  
1217 ~~trash.~~  
1218           (9)~~(12)~~ The department shall establish a separate category

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1219 | for solid waste management facilities that ~~which~~ accept only  
 1220 | construction and demolition debris for disposal or recycling. The  
 1221 | department shall establish a reasonable schedule for existing  
 1222 | facilities to comply with this section to avoid undue hardship to  
 1223 | such facilities. However, a permitted solid waste disposal unit  
 1224 | that ~~which~~ receives a significant amount of waste prior to the  
 1225 | compliance deadline established in this schedule shall not be  
 1226 | required to be retrofitted with liners or leachate control  
 1227 | systems. ~~Facilities accepting materials defined in s.~~  
 1228 | ~~403.703(17)(b) must implement a groundwater monitoring system~~  
 1229 | ~~adequate to detect contaminants that may reasonably be expected~~  
 1230 | ~~to result from such disposal prior to the acceptance of those~~  
 1231 | ~~materials.~~

1232 |         (a) The department shall establish reasonable construction,  
 1233 | operation, monitoring, recordkeeping, financial assurance, and  
 1234 | closure requirements for such facilities. The department shall  
 1235 | take into account the nature of the waste accepted at various  
 1236 | facilities when establishing these requirements, and may impose  
 1237 | less stringent requirements, including a system of general  
 1238 | permits or registration requirements, for facilities that accept  
 1239 | only a segregated waste stream which is expected to pose a  
 1240 | minimal risk to the environment and public health, such as clean  
 1241 | debris. The Legislature recognizes that incidental amounts of  
 1242 | other types of solid waste are commonly generated at construction  
 1243 | or demolition projects. In any enforcement action taken pursuant  
 1244 | to this section, the department shall consider the difficulty of  
 1245 | removing these incidental amounts from the waste stream.

1246 |         (b) The department shall not require liners and leachate  
 1247 | collection systems at individual facilities unless it

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1248 demonstrates, based upon the types of waste received, the methods  
1249 for controlling types of waste disposed of, the proximity of  
1250 groundwater and surface water, and the results of the  
1251 hydrogeological and geotechnical investigations, that the  
1252 facility is reasonably expected to result in violations of  
1253 groundwater standards and criteria otherwise.

1254 (c) The owner or operator shall provide financial assurance  
1255 for closing of the facility in accordance with the requirements  
1256 of s. 403.7125. The financial assurance shall cover the cost of  
1257 closing the facility and 5 years of long-term care after closing,  
1258 unless the department determines, based upon hydrogeologic  
1259 conditions, the types of wastes received, or the groundwater  
1260 monitoring results, that a different long-term care period is  
1261 appropriate. However, unless the owner or operator of the  
1262 facility is a local government, the escrow account described in  
1263 s. 403.7125(2) ~~s. 403.7125(3)~~ may not be used as a financial  
1264 assurance mechanism.

1265 (d) The department shall establish training requirements  
1266 for operators of facilities, and shall work with the State  
1267 University System or other providers to assure that adequate  
1268 training courses are available. The department shall also assist  
1269 the Florida Home Builders Association in establishing a component  
1270 of its continuing education program to address proper handling of  
1271 construction and demolition debris, including best management  
1272 practices for reducing contamination of the construction and  
1273 demolition debris waste stream.

1274 (e) The issuance of a permit under this subsection does not  
1275 obviate the need to comply with all applicable zoning and land  
1276 use regulations.

1277 (f) A permit is not required under this section for the  
 1278 disposal of construction and demolition debris on the property  
 1279 where it is generated, but such property must be covered, graded,  
 1280 and vegetated as necessary when disposal is complete.

1281 (g) It is the policy of the Legislature to encourage  
 1282 facilities to recycle. The department shall establish criteria  
 1283 and guidelines that encourage recycling where practical and  
 1284 provide for the use of recycled materials in a manner that  
 1285 protects the public health and the environment. Facilities are  
 1286 authorized to recycle, provided such activities do not conflict  
 1287 with such criteria and guidelines.

1288 (h) The department shall ensure that the requirements of  
 1289 this section are applied and interpreted consistently throughout  
 1290 the state. In accordance with s. 20.255, the Division of Waste  
 1291 Management shall direct the district offices and bureaus on  
 1292 matters relating to the interpretation and applicability of this  
 1293 section.

1294 (i) The department shall provide notice of receipt of a  
 1295 permit application for the initial construction of a construction  
 1296 and demolition debris disposal facility to the local governments  
 1297 having jurisdiction where the facility is to be located.

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

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1306 ~~403.703(17)(b)~~ shall be excluded from the definition of  
 1307 "construction and demolition debris" in s. 403.703(6) ~~s.~~  
 1308 ~~403.703(17)~~ within the jurisdiction of such county. The county  
 1309 may make such a determination only if it finds that, prior to  
 1310 June 1, 2007 ~~1996~~, the county has established an adequate method  
 1311 for the use or recycling of such wood material at an existing or  
 1312 proposed solid waste management facility that is permitted or  
 1313 authorized by the department on June 1, 2007 ~~1996~~. The county is  
 1314 ~~shall~~ not be required to hold a hearing if the county represents  
 1315 that it previously has held a hearing for such purpose, or ~~nor~~  
 1316 ~~shall the county be required to hold a hearing~~ if the county  
 1317 represents that it previously has held a public meeting or  
 1318 hearing that authorized such method for the use or recycling of  
 1319 trash or other nonputrescible waste materials and ~~if the county~~  
 1320 ~~further represents~~ that such materials include those materials  
 1321 described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~. The county shall  
 1322 provide written notice of its determination to the department by  
 1323 no later than April 30, 2008 ~~December 31, 1996~~; thereafter, the  
 1324 ~~wood~~ materials described in s. 403.703(6) ~~s. 403.703(17)(b)~~ shall  
 1325 be excluded from the definition of "construction and demolition  
 1326 debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the jurisdiction  
 1327 of such county. The county may withdraw or revoke its  
 1328 determination at any time by providing written notice to the  
 1329 department.

1330 (k) Brazilian pepper and other invasive exotic plant  
 1331 species as designated by the department resulting from  
 1332 eradication projects may be processed at permitted construction  
 1333 and demolition debris recycling facilities or disposed of at  
 1334 permitted construction and demolition debris disposal facilities

1335 or Class III facilities. The department may adopt rules to  
 1336 implement this paragraph.

1337 (10)~~(13)~~ If the department and a local government  
 1338 independently require financial assurance for the closure of a  
 1339 privately owned solid waste management facility, the department  
 1340 and that local government shall enter into an interagency  
 1341 agreement that will allow the owner or operator to provide a  
 1342 single financial mechanism to cover the costs of closure and any  
 1343 required long-term care. The financial mechanism may provide for  
 1344 the department and local government to be cobeneficiaries or  
 1345 copayees, but shall not impose duplicative financial requirements  
 1346 on the owner or operator. These closure costs must include at  
 1347 least the minimum required by department rules and must also  
 1348 include any additional costs required by local ordinance or  
 1349 regulation.

1350 (11)~~(14)~~ Before or on the same day of filing with the  
 1351 department of an application for a permit to construct or  
 1352 substantially modify a solid waste management facility, the  
 1353 applicant shall notify the local government having jurisdiction  
 1354 over the facility of the filing of the application. The applicant  
 1355 also shall publish notice of the filing of the application in a  
 1356 newspaper of general circulation in the area where the facility  
 1357 will be located. Notice shall be given and published in  
 1358 accordance with applicable department rules. The department shall  
 1359 not issue the requested permit until the applicant has provided  
 1360 the department with proof that the notices required by this  
 1361 subsection have been given. Issuance of a permit does not relieve  
 1362 an applicant from compliance with local zoning or land use  
 1363 ordinances, or with any other law, rules, or ordinances.

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1364        (12) ~~(15)~~ Construction and demolition debris must be  
1365 separated from the solid waste stream and segregated in separate  
1366 locations at a solid waste disposal facility or other permitted  
1367 site.

1368        (13) ~~(16)~~ A No facility shall not be considered a solid  
1369 waste disposal facility, solely by virtue of the fact that it  
1370 uses processed yard trash or clean wood or paper waste as a fuel  
1371 source, ~~shall be considered to be a solid waste disposal~~  
1372 ~~facility.~~

1373        (14) (a) A permit to operate a solid waste management  
1374 facility may not be transferred by the permittee to any other  
1375 entity without the consent of the department. If the permitted  
1376 facility is sold or transferred, or if control of the facility is  
1377 transferred, the permittee must submit to the department an  
1378 application for transfer of permit no later than 30 days after  
1379 the transfer of ownership or control. The department shall  
1380 approve the transfer of a permit unless it determines that the  
1381 proposed new permittee has not provided reasonable assurance that  
1382 the conditions of the permit will be met. A permit may not be  
1383 transferred until any proof of financial assurance required by  
1384 department rule is provided by the proposed new permittee. If the  
1385 existing permittee is under a continuing obligation to perform  
1386 corrective actions as a result of a department enforcement action  
1387 or consent order, the permit may not be transferred until the  
1388 proposed new permittee agrees in writing to accept responsibility  
1389 for performing such corrective actions.

1390        (b) Until the transfer is approved by the department, the  
1391 existing permittee is liable for compliance with the permit,  
1392 including the financial assurance requirements. When the transfer



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1393 has been approved, the department shall return to the  
1394 transferring permittee any means of proof of financial assurance  
1395 which the permittee provided to the department and the permittee  
1396 is released from obligations to comply with the transferred  
1397 permit.

1398 (c) An application for the transfer of a permit must  
1399 clearly state in bold letters that the permit may not be  
1400 transferred without proof of compliance with financial assurance  
1401 requirements. Until the permit is transferred, the new owner or  
1402 operator may not operate the facility without the express consent  
1403 of the permittee.

1404 (d) The department may adopt rules to administer this  
1405 subsection, including procedural rules and the permit-transfer  
1406 form.

1407 Section 13. Section 403.7071, Florida Statutes, is created  
1408 to read:

1409 403.7071 Management of storm-generated debris.--Solid waste  
1410 generated as a result of a storm event that is the subject of an  
1411 emergency order issued by the department may be managed as  
1412 follows:

1413 (1) Recycling and reuse of storm-generated vegetative  
1414 debris is encouraged to the greatest extent practicable. Such  
1415 recycling and reuse must be conducted in accordance with  
1416 applicable department rules and may include, but is not limited  
1417 to, chipping and grinding of the vegetative debris to be  
1418 beneficially used as a ground cover or soil amendment, compost,  
1419 or as a combustible fuel for any applicable commercial or  
1420 industrial application.

1421 (2) The department may issue field authorizations for

1422 staging areas in those counties affected by a storm event. Such  
1423 staging areas may be used for the temporary storage and  
1424 management of storm-generated debris, including the chipping,  
1425 grinding, or burning of vegetative debris. Field authorizations  
1426 may include specific conditions for the operation and closure of  
1427 the staging area and must specify the date that closure is  
1428 required. To the greatest extent possible, staging areas may not  
1429 be located in wetlands or other surface waters. The area that is  
1430 used or affected by a staging area must be fully restored upon  
1431 cessation of the use of the area.

1432 (3) Storm-generated vegetative debris managed at a staging  
1433 area may be disposed of in a permitted lined or unlined landfill,  
1434 a permitted land clearing debris facility, a permitted or  
1435 certified waste-to-energy facility, or a permitted construction  
1436 and demolition debris disposal facility. Vegetative debris may  
1437 also be managed at a permitted waste processing facility or a  
1438 registered yard-trash processing facility.

1439 (4) Construction and demolition debris that is mixed with  
1440 other storm-generated debris need not be segregated from other  
1441 solid waste before disposal in a lined landfill. Construction and  
1442 demolition debris that is source separated or is separated from  
1443 other hurricane-generated debris at an authorized staging area,  
1444 or at another area permitted or specifically authorized by the  
1445 department, may be managed at a permitted construction and  
1446 demolition debris disposal facility, a Class III landfill, or a  
1447 recycling facility upon approval by the department of the methods  
1448 and operational practices used to inspect the waste during  
1449 segregation.

1450 (5) Unsalvageable refrigerators and freezers containing

1451 solid waste, such as rotting food, which may create a sanitary  
 1452 nuisance may be disposed of in a permitted lined landfill;  
 1453 however, chlorofluorocarbons and capacitors must be removed and  
 1454 recycled to the greatest extent practicable.

1455 (6) Local governments or their agents may conduct the  
 1456 burning of storm-generated yard trash, other storm-generated  
 1457 vegetative debris, or untreated wood from construction and  
 1458 demolition debris in air-curtain incinerators without prior  
 1459 notice to the department. Within 10 days after commencing such  
 1460 burning, the local government shall notify the department in  
 1461 writing describing the general nature of the materials burned;  
 1462 the location and method of burning; and the name, address, and  
 1463 telephone number of the representative of the local government to  
 1464 contact concerning the work. The operator of the air-curtain  
 1465 incinerator is subject to any requirement of the Division of  
 1466 Forestry or of any other agency concerning authorization to  
 1467 conduct open burning. Any person conducting open burning of  
 1468 vegetative debris is also subject to such requirements.

1469 Section 14. Section 403.708, Florida Statutes, is amended  
 1470 to read:

1471 403.708 Prohibition; penalty.--

1472 (1) A ~~No~~ person may not shall:

1473 (a) Place or deposit any solid waste in or on the land or  
 1474 waters located within the state except in a manner approved by  
 1475 the department and consistent with applicable approved programs  
 1476 of counties or municipalities. However, ~~nothing in this act~~ does  
 1477 not shall be construed to prohibit the disposal of solid waste  
 1478 without a permit as provided in s. 403.707(2).

1479 (b) Burn solid waste except in a manner prescribed by the

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1480 department and consistent with applicable approved programs of  
 1481 counties or municipalities.

1482 (c) Construct, alter, modify, or operate a solid waste  
 1483 management facility or site without first having obtained from  
 1484 the department any permit required by s. 403.707.

1485 (2) A ~~No~~ beverage may not ~~shall~~ be sold or offered for sale  
 1486 within the state in a beverage container designed and constructed  
 1487 so that the container is opened by detaching a metal ring or tab.  
 1488 As used in this subsection, the term

1489 ~~(3) For purposes of subsections (2), (9), and (10):~~

1490 ~~(a) "Degradable," with respect to any material, means that~~  
 1491 ~~such material, after being discarded, is capable of decomposing~~  
 1492 ~~to components other than heavy metals or other toxic substances,~~  
 1493 ~~after exposure to bacteria, light, or outdoor elements.~~

1494 ~~(a)~~ (b) "Beverage" means soda water, carbonated natural or  
 1495 mineral water, or other nonalcoholic carbonated drinks; soft  
 1496 drinks, whether or not carbonated; beer, ale, or other malt drink  
 1497 of whatever alcoholic content; or a mixed wine drink or a mixed  
 1498 spirit drink.

1499 ~~(b)~~ (e) "Beverage container" means an airtight container  
 1500 that ~~which~~ at the time of sale contains 1 gallon or less of a  
 1501 beverage, or the metric equivalent of 1 gallon or less, and that  
 1502 ~~which~~ is composed of metal, plastic, or glass or a combination  
 1503 thereof.

1504 ~~(3)~~ (4) The Division of Alcoholic Beverages and Tobacco of  
 1505 the Department of Business and Professional Regulation may impose  
 1506 a fine of not more than \$100 on any person currently licensed  
 1507 pursuant to s. 561.14 for each violation of ~~the provisions of~~  
 1508 subsection (2). If the violation is of a continuing nature, each

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1509 | day during which such violation occurs constitutes ~~shall~~  
1510 | ~~constitute~~ a separate ~~and distinct~~ offense and is ~~shall be~~  
1511 | subject to a separate fine.

1512 |       (4)~~(5)~~ The Department of Agriculture and Consumer Services  
1513 | may impose a fine of not more than \$100 against ~~on~~ any person not  
1514 | currently licensed pursuant to s. 561.14 for each violation of  
1515 | the provisions of subsection (2). If the violation is of a  
1516 | continuing nature, each day during which such violation occurs  
1517 | constitutes ~~shall constitute~~ a separate ~~and distinct~~ offense and  
1518 | is ~~shall be~~ subject to a separate fine.

1519 |       (5)~~(6)~~ Fifty percent of each fine collected pursuant to  
1520 | subsections (3) ~~(4)~~ and (4) ~~(5)~~ shall be deposited into the Solid  
1521 | Waste Management Trust Fund. The balance of fines collected  
1522 | pursuant to subsection (3) ~~(4)~~ shall be deposited into the  
1523 | Alcoholic Beverage and Tobacco Trust Fund for the use of the  
1524 | division for inspection and enforcement of ~~the provisions of~~ this  
1525 | section. The balance of fines collected pursuant to subsection  
1526 | (4) ~~(5)~~ shall be deposited into the General Inspection Trust Fund  
1527 | for the use of the Department of Agriculture and Consumer  
1528 | Services for inspection and enforcement of ~~the provisions of~~ this  
1529 | section.

1530 |       (6)~~(7)~~ The Division of Alcoholic Beverages and Tobacco and  
1531 | the Department of Agriculture and Consumer Services shall  
1532 | coordinate their responsibilities under ~~the provisions of~~ this  
1533 | section to ensure that inspections and enforcement are  
1534 | accomplished in an efficient, cost-effective manner.

1535 |       (7)~~(8)~~ A person may not distribute, sell, or expose for  
1536 | sale in this state any plastic bottle or rigid container intended  
1537 | for single use unless such container has a molded label

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1538 indicating the plastic resin used to produce the plastic  
1539 container. The label must appear on or near the bottom of the  
1540 plastic container product and be clearly visible. This label must  
1541 consist of a number placed inside a triangle and letters placed  
1542 below the triangle. The triangle must be equilateral and must be  
1543 formed by three arrows, and, in the middle of each arrow, there  
1544 must be a rounded bend that forms one apex of the triangle. The  
1545 pointer, or arrowhead, of each arrow must be at the midpoint of a  
1546 side of the triangle, and a short gap must separate each pointer  
1547 from the base of the adjacent arrow. The three curved arrows that  
1548 form the triangle must depict a clockwise path around the code  
1549 number. Plastic bottles of less than 16 ounces, rigid plastic  
1550 containers of less than 8 ounces, and plastic casings on lead-  
1551 acid storage batteries are not required to be labeled under this  
1552 subsection ~~section~~. The numbers and letters must be as follows:

1553 (a) For polyethylene terephthalate, the letters "PETE" and  
1554 the number 1.

1555 (b) For high-density polyethylene, the letters "HDPE" and  
1556 the number 2.

1557 (c) For vinyl, the letter "V" and the number 3.

1558 (d) For low-density polyethylene, the letters "LDPE" and  
1559 the number 4.

1560 (e) For polypropylene, the letters "PP" and the number 5.

1561 (f) For polystyrene, the letters "PS" and the number 6.

1562 (g) For any other, the letters "OTHER" and the number 7.

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

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1567 material manufactured with chlorofluorocarbons ~~(CFC)~~ are urged to  
 1568 introduce alternative packaging materials that ~~which~~ are  
 1569 environmentally compatible.

1570 (9)~~(10)~~ The packaging of products manufactured or sold in  
 1571 the state may not be controlled by governmental rule, regulation,  
 1572 or ordinance adopted after March 1, 1974, other than as expressly  
 1573 provided in this act.

1574 (10)~~(11)~~ Violations of this part or rules, regulations,  
 1575 permits, or orders issued thereunder by the department and  
 1576 violations of approved local programs of counties or  
 1577 municipalities or rules, regulations, or orders issued thereunder  
 1578 are ~~shall be~~ punishable by a civil penalty as provided in s.  
 1579 403.141.

1580 (11)~~(12)~~ The department or any county or municipality may  
 1581 also seek to enjoin the violation of, or enforce compliance with,  
 1582 this part or any program adopted hereunder as provided in s.  
 1583 403.131.

1584 (12)~~(13)~~ A ~~In accordance with the following schedule, no~~  
 1585 person who knows or ~~who~~ should know of the nature of the  
 1586 following types of such solid waste may not ~~shall~~ dispose of such  
 1587 solid waste in landfills:

1588 (a) Lead-acid batteries, ~~after January 1, 1989~~. Lead-acid  
 1589 batteries also may ~~shall~~ not be disposed of in any waste-to-  
 1590 energy facility ~~after January 1, 1989~~. To encourage proper  
 1591 collection and recycling, all persons who sell lead-acid  
 1592 batteries at retail shall accept used lead-acid batteries as  
 1593 trade-ins for new lead-acid batteries.

1594 (b) Used oil, ~~after October 1, 1988~~.

1595 (c) Yard trash, ~~after January 1, 1992, except in~~ lined

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1596 ~~unlined~~ landfills classified by department rule as Class I  
1597 landfills. Yard trash that is source separated from solid waste  
1598 may be accepted at a solid waste disposal area where ~~the area~~  
1599 ~~provides and maintains~~ separate yard trash composting facilities  
1600 are provided and maintained. The department recognizes that  
1601 incidental amounts of yard trash may be disposed of in Class I  
1602 ~~lined~~ landfills. In any enforcement action taken pursuant to this  
1603 paragraph, the department shall consider the difficulty of  
1604 removing incidental amounts of yard trash from a mixed solid  
1605 waste stream.

1606 (d) White goods, ~~after January 1, 1990~~.

1607  
1608 ~~Prior to the effective dates specified in paragraphs (a) (d), the~~  
1609 ~~department shall identify and assist in developing alternative~~  
1610 ~~disposal, processing, or recycling options for the solid wastes~~  
1611 ~~identified in paragraphs (a) (d).~~

1612 Section 15. Section 403.709, Florida Statutes, is amended  
1613 to read:

1614 403.709 Solid Waste Management Trust Fund; use of waste  
1615 tire fees.--There is created the Solid Waste Management Trust  
1616 Fund, to be administered by the department.

1617 (1) From the annual revenues deposited in the trust fund,  
1618 unless otherwise specified in the General Appropriations Act:

1619 (a) ~~(1)~~ Up to 40 percent shall be used for funding solid  
1620 waste activities of the department and other state agencies, such  
1621 as providing technical assistance to local governments and the  
1622 private sector, performing solid waste regulatory and enforcement  
1623 functions, preparing solid waste documents, and implementing  
1624 solid waste education programs.



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1625        (b)~~(2)~~ Up to 4.5 percent shall be used for funding research  
 1626 and training programs relating to solid waste management through  
 1627 the Center for Solid and Hazardous Waste Management and other  
 1628 organizations that ~~which~~ can reasonably demonstrate the  
 1629 capability to carry out such projects.

1630        (c)~~(3)~~ Up to 11 percent shall be used for funding to  
 1631 supplement any other funds provided to the Department of  
 1632 Agriculture and Consumer Services for mosquito control. This  
 1633 distribution shall be annually transferred to the General  
 1634 Inspection Trust Fund in the Department of Agriculture and  
 1635 Consumer Services to be used for mosquito control, especially  
 1636 control of West Nile Virus.

1637        (d)~~(4)~~ Up to 4.5 percent shall be used for funding to the  
 1638 Department of Transportation for litter prevention and control  
 1639 programs through a certified Keep America Beautiful Affiliate at  
 1640 the local level ~~coordinated by Keep Florida Beautiful, Inc.~~

1641        (e)~~(5)~~ A minimum of 40 percent shall be used for funding a  
 1642 competitive and innovative grant program pursuant to s. 403.7095  
 1643 for activities relating to recycling and waste reduction ~~reducing~~  
 1644 ~~the volume of municipal solid waste~~, including waste tires  
 1645 requiring final disposal.

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

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1654 | comply with the rules adopted pursuant to this section or s.  
1655 | 403.717, the court may authorize the department to take  
1656 | possession and control of the waste tire site in order to protect  
1657 | the health, safety, and welfare of the community and the  
1658 | environment.

1659 |       ~~(3)-(7)~~ The department may impose a lien on the real  
1660 | property on which the waste tire site is located and the waste  
1661 | tires equal to the estimated cost to bring the tire site into  
1662 | compliance, including attorney's fees and court costs. Any owner  
1663 | whose property has such a lien imposed may release her or his  
1664 | property from any lien claimed under this subsection by filing  
1665 | with the clerk of the circuit court a cash or surety bond,  
1666 | payable to the department in the amount of the estimated cost of  
1667 | bringing the tire site into compliance with department rules,  
1668 | including attorney's fees and court costs, or the value of the  
1669 | property after the abatement action is complete, whichever is  
1670 | less. A lien provided by this subsection may not continue for a  
1671 | period longer than 4 years after the abatement action is  
1672 | completed, unless within that period an action to enforce the  
1673 | lien is commenced in a court of competent jurisdiction. The  
1674 | department may take action to enforce the lien in the same manner  
1675 | used for construction liens under part I of chapter 713.

1676 |       ~~(4)-(8)~~ This section does not limit the use of other  
1677 | remedies available to the department.

1678 |       Section 16. Subsections (1), (2), and (5) of section  
1679 | 403.7095, Florida Statutes, are amended to read:

1680 |       403.7095 Solid waste management grant program.--

1681 |       (1) The department shall develop a competitive and  
1682 | innovative grant program for counties, municipalities, special

1683 districts, and nonprofit organizations that have legal  
 1684 responsibility for the provision of solid waste management  
 1685 services. For purposes of this program, "innovative" means that  
 1686 the process, technology, or activity for which funding is sought  
 1687 has not previously been implemented within the jurisdiction of  
 1688 the applicant. The applicant must that:

1689 (a) Demonstrate technologies or processes ~~that are not in~~  
 1690 ~~common use in Florida,~~ that represent a novel application of an  
 1691 existing technology or process to recycle or reduce waste, or  
 1692 that overcome obstacles to recycling or ~~and~~ waste reduction in  
 1693 new or innovative ways;

1694 (b) Demonstrate innovative processes to collect and recycle  
 1695 or reduce materials targeted by the department and the recycling  
 1696 industry; or

1697 (c) Demonstrate effective solutions to solving solid waste  
 1698 problems resulting from waste tires, particularly in the areas of  
 1699 enforcement and abatement of illegal tire dumping and activities  
 1700 to promote market development of waste tire products.

1701  
 1702 Because the Legislature recognizes that input from the recycling  
 1703 industry is essential to the success of this grant program, the  
 1704 department shall cooperate with private sector entities to  
 1705 develop a process and define specific criteria for allowing their  
 1706 participation with grant recipients.

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

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1712 are encouraged to demonstrate local support for grant proposals  
 1713 by the commitment of cash or in-kind matching funds.

1714 (5) From the funds made available pursuant to s.  
 1715 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by this  
 1716 section, the following distributions shall be made:

1717 (a) Up to 15 percent for the program described in  
 1718 subsection (1);

1719 (b) Up to 35 percent for the program described in  
 1720 subsection (3); and

1721 (c) Up to 50 percent for the program described in  
 1722 subsection (4).

1723 Section 17. Section 403.7125, Florida Statutes, is amended  
 1724 to read:

1725 403.7125 Financial assurance for closure ~~Landfill~~  
 1726 ~~management escrow account.~~ --

1727 ~~(1) As used in this section:~~

1728 ~~(a) "Landfill" means any solid waste land disposal area for~~  
 1729 ~~which a permit, other than a general permit, is required by s.~~  
 1730 ~~403.707 that receives solid waste for disposal in or upon land~~  
 1731 ~~other than a land spreading site, injection well, or a surface~~  
 1732 ~~impoundment.~~

1733 ~~(b) "Closure" means the ceasing operation of a landfill and~~  
 1734 ~~securing such landfill so that it does not pose a significant~~  
 1735 ~~threat to public health or the environment and includes long term~~  
 1736 ~~monitoring and maintenance of a landfill.~~

1737 ~~(c) "Owner or operator" means, in addition to the usual~~  
 1738 ~~meanings of the term, any owner of record of any interest in land~~  
 1739 ~~whereon a landfill is or has been located and any person or~~  
 1740 ~~corporation which owns a majority interest in any other~~

1741 ~~corporation which is the owner or operator of a landfill.~~  
 1742 (1)~~(2)~~ Every owner or operator of a landfill is jointly and  
 1743 severally liable for the improper operation and closure of the  
 1744 landfill, as provided by law. As used in this section, the term  
 1745 "owner or operator" means any owner of record of any interest in  
 1746 land wherein a landfill is or has been located and any person or  
 1747 corporation that owns a majority interest in any other  
 1748 corporation that is the owner or operator of a landfill.  
 1749 (2)~~(3)~~ The owner or operator of a landfill owned or  
 1750 operated by a local or state government or the Federal Government  
 1751 shall establish a fee, or a surcharge on existing fees or other  
 1752 appropriate revenue-producing mechanism, to ensure the  
 1753 availability of financial resources for the proper closure of the  
 1754 landfill. However, the disposal of solid waste by persons on  
 1755 their own property, as described in s. 403.707(2), is exempt from  
 1756 ~~the provisions of this section.~~  
 1757 (a) The revenue-producing mechanism must produce revenue at  
 1758 a rate sufficient to generate funds to meet state and federal  
 1759 landfill closure requirements.  
 1760 (b) The revenue shall be deposited in an interest-bearing  
 1761 escrow account to be held and administered by the owner or  
 1762 operator. The owner or operator shall file with the department an  
 1763 annual audit of the account. The audit shall be conducted by an  
 1764 independent certified public accountant. Failure to collect or  
 1765 report such revenue, except as allowed in subsection (3) ~~(4)~~, is  
 1766 a noncriminal violation punishable by a fine of not more than  
 1767 \$5,000 for each offense. The owner or operator may make  
 1768 expenditures from the account and its accumulated interest only  
 1769 for the purpose of landfill closure and, if such expenditures do

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1770 not deplete the fund to the detriment of eventual closure, for  
1771 planning and construction of resource recovery or landfill  
1772 facilities. Any moneys remaining in the account after paying for  
1773 proper and complete closure, as determined by the department,  
1774 shall, if the owner or operator does not operate a landfill, be  
1775 deposited by the owner or operator into the general fund or the  
1776 appropriate solid waste fund of the local government of  
1777 jurisdiction.

1778 (c) The revenue generated under this subsection and any  
1779 accumulated interest thereon may be applied to the payment of, or  
1780 pledged as security for, the payment of revenue bonds issued in  
1781 whole or in part for the purpose of complying with state and  
1782 federal landfill closure requirements. Such application or pledge  
1783 may be made directly in the proceedings authorizing such bonds or  
1784 in an agreement with an insurer of bonds to assure such insurer  
1785 of additional security therefor.

1786 (d) The provisions of s. 212.055 which ~~that~~ relate to  
1787 raising of revenues for landfill closure or long-term maintenance  
1788 do not relieve a landfill owner or operator from the obligations  
1789 of this section.

1790 (e) The owner or operator of any landfill that established  
1791 an escrow account in accordance with this section and the  
1792 conditions of its permit prior to January 1, 2007, may continue  
1793 to use that escrow account to provide financial assurance for  
1794 closure of that landfill, even if that landfill is not owned or  
1795 operated by a local or state government or the Federal  
1796 Government.

1797 (3)-(4) An owner or operator of a landfill owned or operated  
1798 by a local or state government or by the Federal Government may

1799 provide financial assurance to establish proof of financial  
 1800 ~~responsibility with~~ the department in lieu of the requirements of  
 1801 subsection (2) ~~(3)~~. An owner or operator of any other landfill,  
 1802 or any other solid waste management facility designated by  
 1803 department rule, shall provide financial assurance to the  
 1804 department for the closure of the facility. Such financial  
 1805 assurance ~~proof~~ may include surety bonds, certificates of  
 1806 deposit, securities, letters of credit, or other documents  
 1807 showing that the owner or operator has sufficient financial  
 1808 resources to cover, at a minimum, the costs of complying with  
 1809 applicable landfill closure requirements. The owner or operator  
 1810 shall estimate such costs to the satisfaction of the department.

1811 (4) ~~(5)~~ This section does not repeal, limit, or abrogate any  
 1812 other law authorizing local governments to fix, levy, or charge  
 1813 rates, fees, or charges for the purpose of complying with state  
 1814 and federal landfill closure requirements.

1815 (5) ~~(6)~~ The department shall adopt rules to implement this  
 1816 section.

1817 Section 18. Subsections (1) and (3) of section 403.716,  
 1818 Florida Statutes, are amended to read:

1819 403.716 Training of operators of solid waste management and  
 1820 other facilities.--

1821 (1) The department shall establish qualifications for, and  
 1822 encourage the development of training programs for, operators of  
 1823 landfills, coordinators of local recycling programs, ~~operators of~~  
 1824 ~~waste to energy facilities, biomedical waste incinerators, and~~  
 1825 ~~mobile soil thermal treatment units or facilities,~~ and operators  
 1826 of other solid waste management facilities.

1827 (3) A person may not perform the duties of an operator of a

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1828 | ~~landfill without first completing, or perform the duties of an~~  
 1829 | ~~operator of a waste to energy facility, biomedical waste~~  
 1830 | ~~incinerator, or mobile soil thermal treatment unit or facility,~~  
 1831 | ~~unless she or he has completed~~ an operator training course  
 1832 | approved by the department or qualifying ~~she or he has qualified~~  
 1833 | as an interim operator in compliance with requirements  
 1834 | established by the department by rule. An owner of a landfill,  
 1835 | ~~waste to energy facility, biomedical waste incinerator, or mobile~~  
 1836 | ~~soil thermal treatment unit or facility~~ may not employ any person  
 1837 | to perform the duties of an operator unless such person has  
 1838 | completed an approved landfill, ~~waste to energy facility,~~  
 1839 | ~~biomedical waste incinerator, or mobile soil thermal treatment~~  
 1840 | ~~unit or facility~~ operator training course, ~~as appropriate,~~ or has  
 1841 | qualified as an interim operator in compliance with requirements  
 1842 | established by the department by rule. The department may  
 1843 | establish by rule operator training requirements for other solid  
 1844 | waste management facilities and facility operators.

1845 | Section 19. Section 403.717, Florida Statutes, is amended  
 1846 | to read:

1847 | 403.717 Waste tire and lead-acid battery requirements.--

1848 | (1) For purposes of this section and ss. 403.718 and  
 1849 | 403.7185:

1850 | (a) "Department" means the Department of Environmental  
 1851 | Protection.

1852 | (b) "Indoor" means within a structure that excludes rain  
 1853 | and public access and would control air flows in the event of a  
 1854 | fire.

1855 | (c) "Lead-acid battery" means a lead-acid battery designed  
 1856 | for use in motor vehicles, vessels, and aircraft, and includes



1857 such batteries when sold new as a component part of a motor  
 1858 vehicle, vessel, or aircraft, but not when sold to recycle  
 1859 components.

1860 (d)~~(b)~~ "Motor vehicle" means an automobile, motorcycle,  
 1861 truck, trailer, semitrailer, truck tractor and semitrailer  
 1862 combination, or any other vehicle operated in this state, used to  
 1863 transport persons or property and propelled by power other than  
 1864 muscular power., ~~but~~ The term does not include traction engines,  
 1865 road rollers, ~~such~~ vehicles that ~~as~~ run only upon a track,  
 1866 bicycles, mopeds, or farm tractors and trailers.

1867 (e) "Processed tire" means a tire that has been treated  
 1868 mechanically, chemically, or thermally so that the resulting  
 1869 material is a marketable product or is suitable for proper  
 1870 disposal.

1871 (f)~~(e)~~ "Tire" means a continuous solid or pneumatic rubber  
 1872 covering encircling the wheel of a motor vehicle.

1873 (g)~~(d)~~ "Waste tire" means a tire that has been removed from  
 1874 a motor vehicle and has not been retreaded or regrooved. The term  
 1875 "Waste tire" includes, but is not limited to, used tires and  
 1876 processed tires. The term does not include solid rubber tires and  
 1877 tires that are inseparable from the rim.

1878 (h)~~(e)~~ "Waste tire collection center" means a site where  
 1879 waste tires are collected from the public prior to being offered  
 1880 for recycling and where fewer than 1,500 tires are kept on the  
 1881 site on any given day.

1882 (i)~~(f)~~ "Waste tire processing facility" means a site where  
 1883 equipment is used to treat waste tires mechanically, chemically,  
 1884 or thermally so that the resulting material is a marketable  
 1885 product or is suitable for proper disposal ~~recapture reusable~~

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1886 ~~byproducts from waste tires or to cut, burn, or otherwise alter~~  
 1887 ~~waste tires so that they are no longer whole.~~ The term includes  
 1888 mobile waste tire processing equipment.

1889 (j)~~(g)~~ "Waste tire site" means a site at which 1,500 or  
 1890 more waste tires are accumulated.

1891 ~~(h) "Lead acid battery" means those lead acid batteries~~  
 1892 ~~designed for use in motor vehicles, vessels, and aircraft, and~~  
 1893 ~~includes such batteries when sold new as a component part of a~~  
 1894 ~~motor vehicle, vessel, or aircraft, but not when sold to recycle~~  
 1895 ~~components.~~

1896 ~~(i) "Indoor" means within a structure which excludes rain~~  
 1897 ~~and public access and would control air flows in the event of a~~  
 1898 ~~fire.~~

1899 ~~(j) "Processed tire" means a tire that has been treated~~  
 1900 ~~mechanically, chemically, or thermally so that the resulting~~  
 1901 ~~material is a marketable product or is suitable for proper~~  
 1902 ~~disposal.~~

1903 (k) "Used tire" means a waste tire which has a minimum  
 1904 tread depth of 3/32 inch or greater and is suitable for use on a  
 1905 motor vehicle.

1906 (2) The owner or operator of any waste tire site shall  
 1907 provide the department with information concerning the site's  
 1908 location, size, and the approximate number of waste tires that  
 1909 are accumulated at the site and shall initiate steps to comply  
 1910 with subsection (3).

1911 (3) (a) A person may not maintain a waste tire site unless  
 1912 such site is:

1913 1. An integral part of the person's permitted waste tire  
 1914 processing facility; or

1915           2. Used for the storage of waste tires prior to processing  
1916 and is located at a permitted solid waste management facility.

1917           (b) It is unlawful for any person to dispose of waste tires  
1918 or processed tires in the state except at a permitted solid waste  
1919 management facility. Collection or storage of waste tires at a  
1920 permitted waste tire processing facility or waste tire collection  
1921 center prior to processing or use does not constitute disposal,  
1922 provided that the collection and storage complies with rules  
1923 established by the department.

1924           (c) Whole waste tires may not be deposited in a landfill as  
1925 a method of ultimate disposal.

1926           (d) A person may not contract with a waste tire collector  
1927 for the transportation, disposal, or processing of waste tires  
1928 unless the collector is registered with the department or exempt  
1929 from requirements provided under this section. Any person who  
1930 contracts with a waste tire collector for the transportation of  
1931 more than 25 waste tires per month from a single business  
1932 location must maintain records for that location and make them  
1933 available for review by the department or by law enforcement  
1934 officers, which records must contain the date when the tires were  
1935 transported, the quantity of tires, the registration number of  
1936 the collector, and the name of the driver.

1937           (4) The department shall adopt rules to administer ~~carry~~  
1938 ~~out the provisions of~~ this section and s. 403.718. Such rules  
1939 shall:

1940           (a) Must provide for the administration or revocation of  
1941 waste tire processing facility permits, including mobile  
1942 processor permits;

1943           (b) Must provide for the administration or revocation of

1944 waste tire collector registrations, the fee ~~fees~~ for which may  
 1945 not exceed \$50 per vehicle registered annually;

1946 (c) Must provide for the administration or revocation of  
 1947 waste tire collection center permits, the fee for which may not  
 1948 exceed \$250 annually;

1949 (d) Must set standards, including financial assurance  
 1950 standards, for waste tire processing facilities and associated  
 1951 waste tire sites, waste tire collection centers, waste tire  
 1952 collectors, and for the storage of waste tires and processed  
 1953 tires, including storage indoors;

1954 (e) ~~The department~~ May ~~by rule~~ exempt not-for-hire waste  
 1955 tire collectors and processing facilities from financial  
 1956 assurance requirements;

1957 (f) Must authorize the final disposal of waste tires at a  
 1958 permitted solid waste disposal facility provided the tires have  
 1959 been cut into sufficiently small parts to assure their proper  
 1960 disposal; and

1961 (g) Must allow waste tire material that ~~which~~ has been cut  
 1962 into sufficiently small parts to be used as daily cover material  
 1963 for a landfill.

1964 ~~(5) A permit is not required for tire storage at:~~

1965 ~~(a) A tire retreading business where fewer than 1,500 waste~~  
 1966 ~~tires are kept on the business premises;~~

1967 ~~(b) A business that, in the ordinary course of business,~~  
 1968 ~~removes tires from motor vehicles if fewer than 1,500 of these~~  
 1969 ~~tires are kept on the business premises; or~~

1970 ~~(c) A retail tire selling business which is serving as a~~  
 1971 ~~waste tire collection center if fewer than 1,500 waste tires are~~  
 1972 ~~kept on the business premises.~~

1973 |            ~~(5)-(6)~~(a) The department shall encourage the voluntary  
 1974 | establishment of waste tire collection centers at retail tire-  
 1975 | selling businesses, waste tire processing facilities, and solid  
 1976 | waste disposal facilities, to be open to the public for the  
 1977 | deposit of waste tires.

1978 |            (b) The department may ~~is authorized to~~ establish an  
 1979 | incentives program ~~for individuals~~ to encourage individuals ~~them~~  
 1980 | to return their waste tires to a waste tire collection center.  
 1981 | The incentives ~~used by the department~~ may involve the use of  
 1982 | discount or prize coupons, prize drawings, promotional giveaways,  
 1983 | or other activities the department determines will promote  
 1984 | collection, reuse, volume reduction, and proper disposal of waste  
 1985 | tires.

1986 |            (c) The department may contract with a promotion company to  
 1987 | administer the incentives program.

1988 |            Section 20. Section 403.7221, Florida Statutes, is  
 1989 | transferred, renumbered as section 403.70715, Florida Statutes,  
 1990 | and amended to read:

1991 |            403.70715 ~~403.7221~~ Research, development, and demonstration  
 1992 | permits.--

1993 |            (1) The department may issue a research, development, and  
 1994 | demonstration permit to the owner or operator of any solid waste  
 1995 | management facility or hazardous waste management facility who  
 1996 | proposes to utilize an innovative and experimental solid waste  
 1997 | treatment technology or process for which permit standards have  
 1998 | not been promulgated. Permits shall:

1999 |            (a) Provide for construction and operation of the facility  
 2000 | for not longer than 3 years ~~1 year~~, renewable no more than 3  
 2001 | times.

2002 (b) Provide for the receipt and treatment by the facility  
 2003 of only those types and quantities of solid waste which the  
 2004 department deems necessary for purposes of determining the  
 2005 performance capabilities of the technology or process and the  
 2006 effects of such technology or process on human health and the  
 2007 environment.

2008 (c) Include requirements the department deems necessary  
 2009 which may include monitoring, operation, testing, financial  
 2010 responsibility, closure, and remedial action.

2011 (2) The department may apply the criteria set forth in this  
 2012 section in establishing the conditions of each permit without  
 2013 separate establishment of rules implementing such criteria.

2014 (3) For the purpose of expediting review and issuance of  
 2015 permits under this section, the department may, consistent with  
 2016 the protection of human health and the environment, modify or  
 2017 waive permit application and permit issuance requirements, except  
 2018 that there shall be no modification or waiver of regulations  
 2019 regarding financial responsibility or of procedures established  
 2020 regarding public participation.

2021 (4) The department may order an immediate termination of  
 2022 all operations at the facility at any time upon a determination  
 2023 that termination is necessary to protect human health and the  
 2024 environment.

2025 Section 21. Subsections (1) through (9) of section 403.722,  
 2026 Florida Statutes, are amended to read:

2027 403.722 Permits; hazardous waste disposal, storage, and  
 2028 treatment facilities.--

2029 (1) Each person who intends to or is required to construct,  
 2030 modify, operate, or close a hazardous waste disposal, storage, or

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2031 treatment facility shall obtain a construction permit, operation  
 2032 permit, postclosure permit, clean closure plan approval, or  
 2033 corrective action permit from the department prior to  
 2034 constructing, modifying, operating, or closing the facility. By  
 2035 rule, the department may provide for the issuance of a single  
 2036 permit instead of any two or more hazardous waste facility  
 2037 permits.

2038 (2) Any owner or operator of a hazardous waste facility in  
 2039 operation on the effective date of the department rule listing  
 2040 and identifying hazardous wastes shall file an application for a  
 2041 temporary operation permit within 6 months after the effective  
 2042 date of such rule. The department, upon receipt of a properly  
 2043 completed application, shall identify any department rules that  
 2044 ~~which~~ are being violated by the facility and ~~shall~~ establish a  
 2045 compliance schedule. However, if the department determines that  
 2046 an imminent hazard exists, the department may take any necessary  
 2047 action pursuant to s. 403.726 to abate the hazard. The department  
 2048 shall issue a temporary operation permit to such facility within  
 2049 the time constraints of s. 120.60 upon submission of a properly  
 2050 completed application that ~~which~~ is in conformance with this  
 2051 subsection. Temporary operation permits for such facilities shall  
 2052 be issued for up to 3 years only. Upon termination of the  
 2053 temporary operation permit and upon proper application by the  
 2054 facility owner or operator, the department shall issue an  
 2055 operation permit for such existing facilities if the applicant  
 2056 has corrected all of the deficiencies identified in the temporary  
 2057 operation permit and is in compliance with all other rules  
 2058 adopted pursuant to this act.

2059 (3) ~~Permit~~ Applicants shall provide any information that

2060 ~~which~~ will enable the department to determine that the proposed  
 2061 construction, modification, operation, ~~or~~ closure, or corrective  
 2062 action will comply with this act and any applicable rules. In no  
 2063 instance shall any person construct, modify, operate, or close a  
 2064 facility or perform corrective actions at a facility in  
 2065 contravention of the standards, requirements, or criteria for a  
 2066 hazardous waste facility. Authorizations ~~Permits~~ issued under  
 2067 this section may include any permit conditions necessary to  
 2068 achieve compliance with applicable hazardous waste rules and  
 2069 necessary to protect human health and the environment.

2070 (4) The department may require, in an ~~a permit~~ application,  
 2071 submission of information concerning matters specified in s.  
 2072 403.721(6) as well as information respecting:

2073 (a) Estimates of the composition, quantity, and  
 2074 concentration of any hazardous waste identified or listed under  
 2075 this act or combinations of any such waste and any other solid  
 2076 waste, proposed to be disposed of, treated, transported, or  
 2077 stored and the time, frequency, or rate at which such waste is  
 2078 proposed to be disposed of, treated, transported, or stored; and

2079 (b) The site to which such hazardous waste or the products  
 2080 of treatment of such hazardous waste will be transported and at  
 2081 which it will be disposed of, treated, or stored.

2082 (5) An authorization ~~A permit~~ issued pursuant to this  
 2083 section is not a vested right. The department may revoke or  
 2084 modify any such authorization ~~permit~~.

2085 (a) Authorizations ~~Permits~~ may be revoked for failure of  
 2086 the holder to comply with ~~the provisions of~~ this act, the terms  
 2087 of the authorization ~~permit~~, the standards, requirements, or  
 2088 criteria adopted pursuant to this act, or an order of the



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2089 department; for refusal by the holder to allow lawful inspection;  
 2090 for submission by the holder of false or inaccurate information  
 2091 in the permit application; or if necessary to protect the public  
 2092 health or the environment.

2093 (b) Authorizations ~~Permits~~ may be modified, upon request of  
 2094 the holder ~~permittee~~, if such modification is not in violation of  
 2095 this act or department rules or if the department finds the  
 2096 modification necessary to enable the facility to remain in  
 2097 compliance with this act and department rules.

2098 (c) An owner or operator of a hazardous waste facility in  
 2099 existence on the effective date of a department rule changing an  
 2100 exemption or listing and identifying the hazardous wastes that  
 2101 ~~which~~ require that facility to be permitted who notifies the  
 2102 department pursuant to s. 403.72, and who has applied for a  
 2103 permit pursuant to subsection (2), may continue to operate until  
 2104 be issued a temporary operation permit. If such owner or operator  
 2105 intends to or is required to discontinue operation, the temporary  
 2106 operation permit must include final closure conditions.

2107 (6) A hazardous waste facility permit issued pursuant to  
 2108 this section shall satisfy the permit requirements of s.  
 2109 403.707(1). The permit exemptions provided in s. 403.707(2) do  
 2110 ~~shall~~ not apply to hazardous waste.

2111 (7) The department may establish ~~permit~~ application  
 2112 procedures for hazardous waste facilities, which procedures may  
 2113 vary based on differences in amounts, types, and concentrations  
 2114 of hazardous waste and on differences in the size and location of  
 2115 facilities and which procedures may take into account permitting  
 2116 procedures of other laws not in conflict with this act.

2117 (8) For authorizations ~~permits~~ required by this section,

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2118 the department may require that a fee be paid and may establish,  
 2119 by rule, a fee schedule based on the degree of hazard and the  
 2120 amount and type of hazardous waste disposed of, stored, or  
 2121 treated at the facility.

2122 (9) It shall not be a requirement for the issuance of ~~such~~  
 2123 a hazardous waste authorization permit that the facility complies  
 2124 with an adopted local government comprehensive plan, local land  
 2125 use ordinances, zoning ordinances or regulations, or other local  
 2126 ordinances. However, the issuance of such an authorization a  
 2127 ~~permit issued~~ by the department does shall not override any  
 2128 ~~adopted local plan, ordinance, or regulation government~~  
 2129 ~~comprehensive plans, local land use ordinances, zoning ordinances~~  
 2130 ~~or regulations, or other local ordinances.~~

2131 Section 22. Subsection (2) of section 403.7226, Florida  
 2132 Statutes, is amended to read:

2133 403.7226 Technical assistance by the department.--The  
 2134 department shall:

2135 (2) Identify short-term needs and long-term needs for  
 2136 hazardous waste management for the state on the basis of the  
 2137 information gathered through the local hazardous waste management  
 2138 assessments and other information from state and federal  
 2139 regulatory agencies and sources. The state needs assessment must  
 2140 be ongoing and must be updated when new data concerning waste  
 2141 generation and waste management technologies become available.  
 2142 ~~The department shall annually send a copy of this assessment to~~  
 2143 ~~the Governor and to the Legislature.~~

2144 Section 23. Subsection (3) of section 403.724, Florida  
 2145 Statutes, is amended to read:

2146 403.724 Financial responsibility.--

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2147 (3) The amount of financial responsibility required shall  
 2148 be approved by the department upon each issuance, renewal, or  
 2149 modification of a hazardous waste facility authorization ~~permit~~.  
 2150 Such factors as inflation rates and changes in operation may be  
 2151 considered when approving financial responsibility for the  
 2152 duration of the authorization ~~permit~~. The Office of Insurance  
 2153 Regulation of the Department of Financial Services ~~Commission~~  
 2154 shall be available to assist the department in making this  
 2155 determination. In approving or modifying the amount of financial  
 2156 responsibility, the department shall consider:

- 2157 (a) The amount and type of hazardous waste involved;
- 2158 (b) The probable damage to human health and the  
 2159 environment;
- 2160 (c) The danger and probable damage to private and public  
 2161 property near the facility;
- 2162 (d) The probable time that the hazardous waste and facility  
 2163 involved will endanger the public health, safety, and welfare or  
 2164 the environment; and
- 2165 (e) The probable costs of properly closing the facility and  
 2166 performing corrective action.

2167 Section 24. Section 403.7255, Florida Statutes, is amended  
 2168 to read:

2169 403.7255 Placement of signs ~~Department to adopt rules~~---

2170 (1) ~~The department shall adopt rules which establish~~  
 2171 ~~requirements and procedures for the placement of Signs~~ must be  
 2172 placed by the owner or operator ~~at sites which may have been~~  
 2173 ~~contaminated by hazardous wastes. Sites shall include any site in~~  
 2174 the state which ~~that~~ is listed or proposed for listing on the  
 2175 Superfund Site List of the United States Environmental Protection

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2176 Agency or any site identified by the department as a ~~suspected or~~  
 2177 ~~confirmed contaminated~~ site contaminated by hazardous waste where  
 2178 there is ~~may be~~ a risk of exposure to the public. ~~The~~  
 2179 ~~requirements of~~ This section does ~~shall~~ not apply to sites  
 2180 reported under ss. 376.3071 and 376.3072. The department shall  
 2181 establish requirements and procedures for the placement of signs,  
 2182 and may do so in rules, permits, orders, or other authorizations.  
 2183 The authorization ~~rules~~ shall establish the appropriate size for  
 2184 such signs, which size shall be no smaller than 2 feet by 2 feet,  
 2185 and shall provide in clearly legible print appropriate warning  
 2186 language for the waste or other materials at the site and a  
 2187 telephone number that ~~which~~ may be called for further  
 2188 information.

2189 (2) Violations of this act are punishable as provided in s.  
 2190 403.161(4).

2191 (3) The provisions of this act are independent of and  
 2192 cumulative to any other requirements and remedies in this chapter  
 2193 or chapter 376, or any rules promulgated thereunder.

2194 Section 25. Subsection (5) of section 403.726, Florida  
 2195 Statutes, is amended to read:

2196 403.726 Abatement of imminent hazard caused by hazardous  
 2197 substance.--

2198 (5) The department may issue a permit or order requiring  
 2199 prompt abatement of an imminent hazard.

2200 Section 26. Section 403.7265, Florida Statutes, is amended  
 2201 to read:

2202 403.7265 Local hazardous waste collection program.--

2203 (1) The Legislature recognizes the need for local  
 2204 governments to establish local hazardous waste management

2205 programs and local collection centers throughout the state. Local  
 2206 hazardous waste management programs are to educate and assist  
 2207 small businesses and households in properly managing the  
 2208 hazardous waste they generate. Local collection centers are to  
 2209 serve a purpose similar to the collection locations used in the  
 2210 amnesty days program described in s. 403.7264. Such collection  
 2211 centers are to be operated to provide a service to homeowners,  
 2212 farmers, and conditionally exempt small quantity generators to  
 2213 encourage proper hazardous waste management. Local collection  
 2214 centers will allow local governments the opportunity to provide a  
 2215 location for collection and temporary storage of small quantities  
 2216 of hazardous waste. A private hazardous waste management company  
 2217 should be responsible for collecting the waste within 90 days for  
 2218 transfer to a permitted recycling, disposal, or treatment  
 2219 facility. In time, local collection centers are to become  
 2220 privately operated businesses in order to reduce the burden of  
 2221 hazardous waste collection on local government.

2222 ~~(2) The department shall develop a statewide local~~  
 2223 ~~hazardous waste management plan which will ensure comprehensive~~  
 2224 ~~collection and proper management of hazardous waste from small~~  
 2225 ~~quantity generators and household hazardous waste in Florida. The~~  
 2226 ~~plan shall address, at a minimum, a network of local collection~~  
 2227 ~~centers, transfer stations, and expanded hazardous waste~~  
 2228 ~~collection route services. The plan shall assess the need for~~  
 2229 ~~additional compliance verification inspections, enforcement, and~~  
 2230 ~~penalties. The plan shall include a strategy, timetable, and~~  
 2231 ~~budget for implementation.~~

2232 (2)~~(3)~~ For the purposes of this section, the phrase:  
 2233 (a) "Collection center" means a secured site approved by

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2234 the department to be used as a base for a hazardous waste  
 2235 collection facility.

2236 (b) "Regional collection center" means a facility permitted  
 2237 by the department for the storage of hazardous wastes.

2238 (3)~~(4)~~ The department shall establish a grant program for  
 2239 local governments that ~~which~~ desire to provide a local or  
 2240 regional hazardous waste collection center. Grants shall be  
 2241 authorized to cover collection center costs associated with  
 2242 capital outlay for preparing a facility or site to safely serve  
 2243 as a collection center and to cover costs of administration,  
 2244 public awareness, and local amnesty days programs. The total cost  
 2245 for administration and public awareness may ~~shall~~ not exceed 10  
 2246 percent of the grant award. Grants shall be available on a  
 2247 competitive basis to local governments which:

2248 (a) Comply with ~~the provisions of~~ ss. 403.7225 and  
 2249 403.7264;

2250 (b) Design a collection center which is approved by the  
 2251 department; and

2252 (c) Provide up to 33 percent of the capital outlay money  
 2253 needed for the facility as matching money.

2254 (4)~~(5)~~ The maximum amount of a grant for any local  
 2255 government participating in the development of a collection  
 2256 center is ~~shall be~~ \$100,000. If a regional collection facility is  
 2257 designed, each participating county is ~~shall be~~ eligible for up  
 2258 to \$100,000. The department may ~~is authorized to~~ use up to 1  
 2259 percent of the funds appropriated for the local hazardous waste  
 2260 collection center grant program for administrative costs and  
 2261 public education relating to proper hazardous waste management.

2262 (5)~~(6)~~ The department shall establish a cooperative

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2263 collection center arrangement grant program enabling a local  
2264 hazardous waste collection center grantee to receive a financial  
2265 incentive for hosting an amnesty days program in a neighboring  
2266 county that is currently unable to establish a permanent  
2267 collection center, but desires a local hazardous waste  
2268 collection. The grant may reimburse up to 75 percent of the  
2269 neighboring county's amnesty days. Grants shall be available, on  
2270 a competitive basis, to local governments that ~~which~~:

2271 (a) Have established operational hazardous waste collection  
2272 centers and are willing to assume a host role, similar to that of  
2273 the state in the amnesty days program described in s. 403.7264,  
2274 in organizing a local hazardous waste collection in the  
2275 neighboring county.

2276 (b) Enter into, and jointly submit, an interlocal agreement  
2277 outlining department-established duties for both the host local  
2278 government and neighboring county.

2279 (6)~~(7)~~ The maximum amount for the cooperative collection  
2280 center arrangement grant is \$35,000, with a maximum amnesty days  
2281 reimbursement of \$25,000, and a limit of \$10,000 for the host  
2282 local government. The host local government may receive up to  
2283 \$10,000 per cooperative collection center arrangement in addition  
2284 to its maximum local hazardous waste collection center grant.

2285 (7)~~(8)~~ The department may ~~has the authority to~~ establish an  
2286 additional local project grant program enabling a local hazardous  
2287 waste collection center grantee to receive funding for unique  
2288 projects that improve the collection and lower the incidence of  
2289 improper management of conditionally exempt or household  
2290 hazardous waste. Eligible local governments may receive up to  
2291 \$50,000 in grant funds for these unique and innovative projects,

2292 provided they match 25 percent of the grant amount. If the  
 2293 department finds that the project has statewide applicability and  
 2294 immediate benefits to other local hazardous waste collection  
 2295 programs in the state, matching funds are not required. This  
 2296 grant will not count toward the \$100,000 maximum grant amount for  
 2297 development of a collection center.

2298 ~~(8)(9)~~ The department may ~~has the authority to~~ use grant  
 2299 funds authorized under this section to assist local governments  
 2300 in carrying out the responsibilities and programs specified in  
 2301 ss. 403.7225, 403.7226, 403.7234, 403.7236, and 403.7238.

2302 Section 27. Subsection (2) of section 171.205, Florida  
 2303 Statutes, is amended to read:

2304 171.205 Consent requirements for annexation of land under  
 2305 this part.--Notwithstanding part I, an interlocal service  
 2306 boundary agreement may provide a process for annexation  
 2307 consistent with this section or with part I.

2308 (2) If the area to be annexed includes a privately owned  
 2309 solid waste disposal facility as defined in s. 403.703 ~~(32)(11)~~  
 2310 which receives municipal solid waste collected within the  
 2311 jurisdiction of multiple local governments, the annexing  
 2312 municipality must set forth in its plan the effects that the  
 2313 annexation of the solid waste disposal facility will have on the  
 2314 other local governments. The plan must also indicate that the  
 2315 owner of the affected solid waste disposal facility has been  
 2316 contacted in writing concerning the annexation, that an agreement  
 2317 between the annexing municipality and the solid waste disposal  
 2318 facility to govern the operations of the solid waste disposal  
 2319 facility if the annexation occurs has been approved, and that the  
 2320 owner of the solid waste disposal facility does not object to the



2321 proposed annexation.

2322 Section 28. Subsection (69) of section 316.003, Florida  
 2323 Statutes, is amended to read:

2324 316.003 Definitions.--The following words and phrases, when  
 2325 used in this chapter, shall have the meanings respectively  
 2326 ascribed to them in this section, except where the context  
 2327 otherwise requires:

2328 (69) HAZARDOUS MATERIAL.--Any substance or material which  
 2329 has been determined by the secretary of the United States  
 2330 Department of Transportation to be capable of imposing an  
 2331 unreasonable risk to health, safety, and property. This term  
 2332 includes hazardous waste as defined in s. 403.703 (13) ~~(21)~~.

2333 Section 29. Paragraph (f) of subsection (2) of section  
 2334 377.709, Florida Statutes, is amended to read:

2335 377.709 Funding by electric utilities of local governmental  
 2336 solid waste facilities that generate electricity.--

2337 (2) DEFINITIONS.--As used in this section, the term:

2338 (f) "Solid waste facility" means a facility owned or  
 2339 operated by, or on behalf of, a local government for the purpose  
 2340 of disposing of solid waste, as that term is defined in s.  
 2341 403.703 (31) ~~(13)~~, by any process that produces heat and  
 2342 incorporates, as a part of the facility, the means of converting  
 2343 heat to electrical energy in amounts greater than actually  
 2344 required for the operation of the facility.

2345 Section 30. Subsection (1) of section 487.048, Florida  
 2346 Statutes, is amended to read:

2347 487.048 Dealer's license; records.--

2348 (1) Each person holding or offering for sale, selling, or  
 2349 distributing restricted-use pesticides shall obtain a dealer's

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2350 license from the department. Application for the license shall be  
2351 made on a form prescribed by the department. The license must be  
2352 obtained before entering into business or transferring ownership  
2353 of a business. The department may require examination or other  
2354 proof of competency of individuals to whom licenses are issued or  
2355 of individuals employed by persons to whom licenses are issued.  
2356 Demonstration of continued competency may be required for license  
2357 renewal, as set by rule. The license shall be renewed annually as  
2358 provided by rule. An annual license fee not exceeding \$250 shall  
2359 be established by rule. However, a user of a restricted-use  
2360 pesticide may distribute unopened containers of a properly  
2361 labeled pesticide to another user who is legally entitled to use  
2362 that restricted-use pesticide without obtaining a pesticide  
2363 dealer's license. The exclusive purpose of distribution of the  
2364 restricted-use pesticide is to keep it from becoming a hazardous  
2365 waste as defined in s. 403.703 (13) ~~(21)~~.

2366 Section 31. Sections 403.7075, 403.756, 403.78, 403.781,  
2367 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,  
2368 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,  
2369 403.789, 403.7891, 403.7892, and 403.7893, and 403.7895, Florida  
2370 Statutes, are repealed.

2371 Section 32. This act shall take effect July 1, 2007.