



**Environment
&
Natural Resources Council**

**April 23, 2008
404 HOB
5:15-5:30 PM**

**Marco Rubio
Speaker**

**Rep. Stan Mayfield
Chair**

Council Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Marco Rubio

Environment & Natural Resources Council

Start Date and Time: Wednesday, April 23, 2008 05:15 pm or upon adjournment of Session

End Date and Time: Wednesday, April 23, 2008 05:30 pm

Location: 404 HOB

Duration: 0.25 hrs

Consideration of the following proposed council substitute(s):

PCS for HB 301 -- Recycling

NOTICE FINALIZED on 04/23/2008 15:10 by BLR

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote personal responsibility. The bill requires public airports, as well as every organization, association, business or institution that is operating in the state and receiving state funds, to collect and offer for recycling, to the greatest extent practicable, aluminum, glass, and plastic beverage containers, and other recyclable materials. If not already recycling, these entities would pay the cost for collection and storage. The bill allows these entities to retain and use proceeds from the sale of the materials for recycling to offset costs associated with collecting and recycling the materials.

Provide limited government. The bill requires each county to implement a composting program to compost no less than ten percent of all organic materials that would otherwise be disposed of in a landfill. In addition, the bill requires the DEP to develop a comprehensive recycling program designed to achieve a goal to reduce the amount of recyclable solid waste disposed of in waste management facilities or incineration facilities by 75 percent by the year 2020. The DEP is required to submit the program to the President of the Senate and the Speaker of the House of Representatives by January 1, 2010. The bill requires the DEP to provide an analysis regarding the need for new or different bags offered by retail stores to consumers to carry goods and to issue recommendations to the Legislature by February 1, 2010. Until the Legislature adopts the recommendations of the DEP report, no local government may restrict or tax the use of disposable bags currently used by consumers.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 403.706 (2), F.S., requires each county to implement a recycling program that is designed to recover a significant portion of materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer such materials for recycling: newspaper, aluminum cans, steel cans, glass, plastic bottles, cardboard, office paper, and yard trash. In addition, local governments are encouraged to consider plans for composting or mulching of organic materials that would otherwise be disposed of in a landfill.

Section 403.7145 (1), F.S., requires the House of Representatives, the Senate, the Capitol complex, including the Governor and Cabinet officers, to collect and sell wastepaper and aluminum beverage cans generated by employee activities in these offices. Proceeds of the sale of such materials and products may be used for employee benefits and other purposes in order to provide incentives for employees to participate in the recycling program. Such proceeds may also be used to offset any recycling program costs.

Section 403.7145 (2), F.S., requires state agencies, the judicial branch, and the State University System to collect and sell, to the greatest extent practicable, recyclable materials and products used during the operation of facilities and offices. The section is silent on specific recyclable materials. Proceeds of the sale of such materials and products may be used for employee benefits and other purposes in order to provide incentives for employees to participate in the recycling program. Such proceeds may also be used to offset any recycling program costs. Currently, there is no central data base that is tracking which agencies are actually recycling and how much material is being recycled.

There is no current law in the state regarding recycling by airports, nor is there a requirement for businesses doing business with the state to recycle. According to a national study done by the Natural Resources Defense Council (December, 2006), there are over 500 commercial airports in the country, the largest 30 airports account for 70 percent of all passenger air traffic; 37 medium-sized airports account for an additional 20 percent. Five airports that responded to a waste survey provided data estimating that each air passenger accounted for 1.28 pounds of waste generated. Assuming this

estimate, the 30 largest U.S. airports combined may have generated more than 300,000 tons of waste in 2004. The national recycling rate is approximately 31 percent; the recycling rate for waste streams in airports may be as low as 17 percent.

Effect of Proposed Changes

The bill provides that practices by or ordinances adopted by local governments may not be inconsistent with the definitions in s. 403.703, F.S., relating to various wastes regulated by the DEP.

The bill requires each county to implement a composting program to compost no less than ten percent of all organic materials that would otherwise be disposed of in a landfill.

The bill provides legislative findings regarding the need to maximize recycling and sets a goal to reduce the amount of recyclable solid waste disposed of in waste management facilities or incineration facilities by 75 percent by the year 2020. The bill directs the DEP to develop a comprehensive recycling program designed to achieve the aforementioned goal and to submit the program to the President of the Senate and the Speaker of the House of representatives by January 1, 2010. The program is required to include several components:

- Programs to identify environmentally preferable purchasing practices to encourage the purchase of recycled, durable, and less toxic goods;
- Programs to educate students in grades K-12 in the benefits of, and proper techniques for, recycling;
- Programs for statewide recognition of successful recycling efforts by schools, businesses, public groups, and private citizens;
- Programs for municipalities and counties to develop and implement efficient recycling efforts to return valuable materials to productive use, conserve energy, and protect natural resources;
- Programs by which the department can provide technical assistance to municipalities and counties in support of their recycling efforts;
- Programs to educate and train the public in proper recycling efforts; and an
- Evaluation of how financial assistance can best be provided to municipalities and counties in support of their recycling efforts; and
- Evaluation of why existing waste management and recycling programs in the state have not been better used.

The bill requires the DEP to provide an analysis regarding the need for new or different bags currently offered by retail stores to consumers in order to carry goods. The analysis shall include input from state and local government agencies, stakeholders, private businesses, and citizens, and shall evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure consistent and effective implementation, the DEP shall submit a report with conclusions and recommendations to the Legislature no later than February 1, 2010. Until the Legislature adopts the DEP recommendations, no local government may restrict or tax the use of disposable bags currently used by consumers.

The bill requires each state agency, the judicial branch of state government and the State University System to collect and sell, to the greatest extent practicable, aluminum, glass, and plastic beverage containers, and other recyclable materials. In addition, every organization, association, business or institution that is operating in the state and receiving state funds is also required to collect and offer for recycling aluminum, glass, and plastic beverage containers, and other recyclable materials to the greatest extent practicable. The same requirement is imposed on all public airports to collect and offer for recycling recyclables from airlines and businesses operating at the airport.

The requirement to recycle is "to the greatest extent practicable." The bill provides no enforcement provision, and no tracking system to record how much is being recycled.

C. SECTION DIRECTORY:

Section 1: Creates s. 403.7031, F.S., providing that practices by or ordinances adopted by local governments may not be inconsistent with the definitions in s. 403.703, F.S., relating to various wastes regulated by the DEP.

Section 2: Creates s. 403.7032, F.S., providing legislative findings regarding the need to maximize recycling; providing a goal to reduce the amount of recyclable solid waste disposed of in waste management facilities, or incineration facilities; and providing a report.

Section 3: Creates s. 403.7033, F.S., requiring the DEP to provide an analysis regarding the need for new or different bags offered by retail stores to consumers to carry goods; requiring the DEP to provide recommendations to the Legislature by February 1, 2010. Until the Legislature adopts the DEP recommendations, no local government may restrict or tax the use of disposable bags currently used by consumers.

Section 4: Amends s. 403.706, F.S., requiring each county to develop and implement a composting program to compost no less than ten percent of all organic materials that would otherwise be disposed of in a landfill.

Section 5: Amends s. 403.7145, F.S., requiring each state agency, the judicial branch and the State University System to collect and sell, to the greatest extent practicable, aluminum, glass and plastic beverage containers, and other recyclable materials.

This section also requires each organization, association, business or institution operating in the state and receiving state funds, to the greatest extent practicable, collect for recycling aluminum beverage cans and recyclable plastic and glass at all locations where those entities operate. Proceeds received from the sale of these materials for recycling may be retained and used to offset the cost associated with collecting and recycling such materials.

This section requires that all public airports, to the greatest extent practicable, collect for recycling aluminum beverage cans and recyclable plastic and glass from the airlines and other entities doing business at the airport. Proceeds received from the sale of these materials for recycling may be retained and used to offset the cost associated with collecting and recycling such materials.

Section 6: Provides an effective date of July 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments

2. Expenditures:

See Fiscal Comments

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments

2. Expenditures:

See Fiscal Comments

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Increased demand for recycling services should result in some expansion of the recycling industry along with an increase in employment opportunities.

D. FISCAL COMMENTS:

State

The DEP is required to establish a comprehensive recycling program and to submit a report to the Legislature by January 1, 2010. The fiscal impact is indeterminate.

The DEP is required to conduct an analysis regarding the need for new or different bags offered by retail stores to consumers to carry goods; requiring the DEP to provide recommendations to the Legislature by February 1, 2010. The fiscal impact is indeterminate.

Each state agency, the judicial branch of state government and the State University System is already statutorily required to recycle recyclable materials. This bill reinforces that requirement. For those state agencies and others that have not been collecting these items for recycling, there could be some initial costs for the program setup such as for recycling bins and carts. Any money received from the sale of such recyclable materials can be used to offset any such recycling program costs.

Local/Private Sector

The bill requires each county to develop and implement a composting program to compost no less than ten percent of all organic materials that would otherwise be disposed of in a landfill. There will likely be costs associated with this requirement that will vary according to the county. Such costs are indeterminate.

The bill requires 1) every organization, association, business, or institution that is operating in the state and receiving state funds; and 2) all public airports operating in the state to collect and offer for recycling, to the greatest extent practicable, aluminum, glass, and plastic beverage containers, and other recyclable materials. It is not known how many entities would be affected by this provision. For those organizations that seek to implement recycling activities certain materials there may be some initial costs for collection infrastructure (bins and carts) and other setup costs. Also, there may be ongoing costs for recyclables collection service in those areas where such services are provided. Not all parts of the state have such services available to the commercial sector. The bill, however, provides that these entities may retain and use any proceeds they receive from the sale of recyclable materials to offset their costs.

The fiscal impact of the bill is indeterminate on state and local government due to the unknown number of entities that would participate with the recycling provisions or the associated costs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not appear to reduce the percentage of state tax shared with counties or municipalities. The bill does require counties to develop and implement a composting program which may require the expenditure of funds.

2. Other:

None

B. RULE-MAKING AUTHORITY:

No rulemaking authority is provided.

C. DRAFTING ISSUES OR OTHER COMMENTS:

There is a reference to s. 403.814, F.S. that needs to be removed from the title.

D. STATEMENT OF THE SPONSOR

N/A

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

Bill No. **PCS for HB 301**

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Environment & Natural Resources

2 Council

3 Representative(s) Troutman offered the following:

4
5 **Amendment**

6 Remove line(s) 174 and insert:

7 shall, to the greatest extent practicable and economically
8 feasible, collect aluminum

1 A bill to be entitled
 2 An act relating to recycling; relating to fees and
 3 dispositions; amending s. 403.7031, F.S.; prohibiting a
 4 county or municipality from using in practice any
 5 definition inconsistent with certain statutes; creating s.
 6 403.7032, F.S.; providing legislative findings regarding
 7 recycling; providing for a long-term goal of reducing the
 8 amount of solid waste disposed of in the state by a
 9 certain percentage; requiring the Department of
 10 Environmental Protection to develop a comprehensive
 11 recycling program and submit such program to the
 12 Legislature by a specified date; requiring the
 13 Legislature's approval before implementing such program;
 14 requiring that such program be developed in coordination
 15 with other state and local entities, private businesses,
 16 and the public; requiring that the program contain certain
 17 components; creating s. 403.7033, F.S, requiring a
 18 departmental analysis of particular recyclable materials;
 19 requiring a submission of a report; amending s. 403.7145,
 20 F.S.; requiring each organization, association, business,
 21 and institution operating in the state and receiving state
 22 funds, and each public airport in the state, to collect
 23 aluminum beverage cans and recyclable plastic and glass
 24 from its place of business, or from the entities doing
 25 business at the airport, and to offer such materials for
 26 recycling; s. 403.814, F.S., relating to determinations of
 27 need and general permits; conforming provisions to
 28 changes; providing an effective date.

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

Section 1. Section 403.7031, Florida Statutes, is amended to read:

403.7031 Limitations on definitions adopted by local ordinance.—A county or a municipality may ~~shall~~ not adopt by ordinance, or use in practice, any definition that is inconsistent with the definitions in s. 403.703.

Section 2. Section 403.7032, Florida Statutes, is created to read

403.7032 Recycling.

(1) The Legislature finds that the failure or inability to economically recover material and energy resources from solid waste results in the unnecessary waste and depletion of our natural resources. As Florida continues to grow, so will the potential amount of discarded material that must be treated and disposed of, necessitating the improvement of solid waste collection and disposal. Therefore, the maximum recycling and reuse of such resources are considered high-priority goals of this state.

(2) By the year 2020, the long-term goal for the recycling efforts of state and local governmental entities, private companies and organizations, and the general public is to reduce the amount of recyclable solid waste disposed of in waste management facilities, landfills, or incineration facilities by a statewide average of at least 75 percent.

56 (3) The Department of Environmental Preservation shall
 57 develop a comprehensive recycling program that is designed to
 58 achieve the percentage stated in subsection (2) and submit the
 59 program to the President of the Senate and the Speaker of the
 60 House of Representatives by January 1, 2010. The program may not
 61 be implemented until approved by the Legislature. The program
 62 must be developed in coordination with input from state and
 63 local entities, private businesses, and the public. Under the
 64 program, recyclable materials shall include, but are not limited
 65 to, metals, paper, glass, plastic, textile, rubber materials,
 66 and mulch. Components of the program shall include, but are not
 67 limited to:

68 (a) Programs to identify environmentally preferable
 69 purchasing practices to encourage the purchase of recycled,
 70 durable, and less toxic goods;

71 (b) Programs to educate students in grades K-12 in the
 72 benefits of, and proper techniques for, recycling;

73 (c) Programs for statewide recognition of successful
 74 recycling efforts by schools, businesses, public groups, and
 75 private citizens;

76 (d) Programs for municipalities and counties to develop
 77 and implement efficient recycling efforts to return valuable
 78 materials to productive use, conserve energy, and protect
 79 natural resources;

80 (e) Programs by which the department can provide technical
 81 assistance to municipalities and counties in support of their
 82 recycling efforts;

83 (f) Programs to educate and train the public in proper
 84 recycling efforts;

85 (g) Evaluation of how financial assistance can best be
 86 provided to municipalities and counties in support of their
 87 recycling efforts; and

88 (h) Evaluation of why existing waste management and
 89 recycling programs in the state have not been better used.

90 Section 3. Section 403.7033, Florida Statutes, is created
 91 to read:

92 403.7033 Departmental analysis of particular recyclable
 93 materials.--The Legislature finds that prudent regulation of
 94 recyclable materials is crucial to the ongoing welfare of
 95 Florida's ecology and economy. As such, the Department shall
 96 undertake an analysis of the need for new or different
 97 regulation of auxiliary containers, wrappings, or disposable
 98 plastic bags used by consumers to carry products from retail
 99 establishments. The analysis shall include input from state and
 100 local government agencies, stakeholders, private businesses, and
 101 citizens, and shall evaluate the efficacy and necessity of both
 102 statewide and local regulation of these materials. To ensure
 103 consistent and effective implementation, the Department shall
 104 submit a report with conclusions and recommendations to the
 105 Legislature no later than February 1, 2010. Until such time
 106 that the Legislature adopts the recommendations of the
 107 Department, no local government, local government agency or
 108 state government agency may enact any rule, regulation, or
 109 ordinance regarding use, disposition, sale, prohibition,

110 | restriction or tax of such auxiliary containers, wrappings, or
 111 | disposable plastic bags.

112 | Section 4. Section 403.706, Florida Statue, is amended to
 113 | read:

114 | 403.706 Local government solid waste responsibilities.—

115 | (2) (a) Each county shall implement a composting program
 116 | and a recyclable materials recycling program. Counties and
 117 | municipalities are encouraged to form cooperative arrangements
 118 | for implementing recycling programs.

119 | (b) Such programs shall be designed to recover a
 120 | significant portion of at least four of the following materials
 121 | from the solid waste stream prior to final disposal at a solid
 122 | waste disposal facility and to offer these materials for
 123 | recycling: newspaper, aluminum cans, steel cans, glass, plastic
 124 | bottles, cardboard, office paper, and yard trash. Local
 125 | governments which operate permitted waste-to-energy facilities
 126 | may retrieve ferrous and nonferrous metal as a byproduct of
 127 | combustion.

128 | (c) Local governments are encouraged to separate all
 129 | plastics, metal, and all grades of paper for recycling prior to
 130 | final disposal and are further encouraged to recycle yard trash
 131 | and other mechanically treated solid waste into compost
 132 | available for agricultural and other acceptable uses.

133 | (d) Each county shall develop and implement a plan ~~is~~
 134 | ~~encouraged to consider plans for~~ composting or mulching of no
 135 | less than 10 percent of all organic materials that would
 136 | otherwise be disposed of in a landfill. The ~~composting or~~
 137 | ~~mulching plans~~ is are encouraged to address partnership with the

138 private sector.

139 Section 5. Section 403.7145, Florida Statutes, is amended
140 to read:

141 403.7145 Recycling.

142 (1) The Capitol and the House and Senate office buildings
143 constitute the Capitol recycling area. The Florida House of
144 Representatives, the Florida Senate, and the Office of the
145 Governor, the Secretary of State, and each Cabinet officer who
146 heads a department that occupies office space in the Capitol,
147 shall institute a recycling program for their respective offices
148 in the House and Senate office buildings and the Capitol.
149 Provisions shall be made to collect and sell wastepaper and
150 empty aluminum beverage cans generated by employee activities in
151 these offices. The collection and sale of such materials shall
152 be coordinated with Department of Management Services recycling
153 activities to maximize the efficiency and economy of this
154 program. The Governor, the Speaker of the House of
155 Representatives, the President of the Senate, the Secretary of
156 State, and the Cabinet officers may authorize the use of
157 proceeds from recyclable material sales for employee benefits
158 and other purposes, in order to provide incentives to their
159 respective employees for participation in the recycling program.
160 Such proceeds may also be used to offset any costs of the
161 recycling program.

162 (2) Each state agency, the judicial branch of state
163 government, and the State University System shall collect and
164 sell, to the greatest extent practicable, aluminum, glass, and
165 plastic beverage containers, and other recyclable materials and

166 products used during the operation of facilities and offices and
 167 may use the proceeds of the sale of such materials and products
 168 for employee benefits and other purposes and thereby provide
 169 incentives for employees to participate in the recycling
 170 program. Such proceeds may also be used to offset any recycling
 171 program costs.

172 (3) Each organization, association, business, or
 173 institution operating in the state and receiving state funds
 174 shall, to the greatest extent practicable, collect aluminum
 175 beverage cans and recyclable plastic and glass at all locations
 176 where the organization, association, business, or institution
 177 operates or does business, and shall offer such materials for
 178 recycling. Each organization, association, business, or
 179 institution may retain and use any proceeds received from the
 180 sale of these materials for recycling to offset the cost
 181 associated with collecting and recycling such materials.

182 (4) Each public airport operating in this state shall, to
 183 the greatest extent practicable, collect aluminum beverage cans
 184 and recyclable plastic and glass from the airlines and other
 185 entities doing business at the airport and offer such materials
 186 for recycling. Each airport may retain and use any proceeds
 187 received from the sale of these materials for recycling to
 188 offset the costs associated with collecting and recycling such
 189 materials. Airport administration offices, airport vendors, and
 190 airlines are encouraged to coordinate the collection of
 191 recyclable waste to the greatest extent practicable. The
 192 provisions of this subsection are not intended to interfere with
 193 any already established recycling activity.

PCS for HB 301 Recycling

ORIGINAL

YEAR 2008

194 | Section 6. This act shall take effect July 1, 2008

195 |