

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 Statute, 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

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