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1                                   A bill to be entitled  
 2           An act relating to recycling; amending s. 403.7032, F.S.;  
 3           requiring all public entities and those entities occupying  
 4           buildings managed by the Department of Management Services  
 5           to report recycling data to the county using the format  
 6           designated by the Department of Environmental Protection;  
 7           providing an exemption; encouraging certain private  
 8           entities to report the disposal of recyclable materials;  
 9           requiring the Department of Management Services to report  
 10          on green and recycled products purchased through its  
 11          procurement system; directing the Department of  
 12          Environmental Protection to create the Recycling Business  
 13          Assistance Center; providing requirements for the center;  
 14          amending s. 288.9015, F.S.; requiring Enterprise Florida,  
 15          Inc., to provide technical assistance to the Department of  
 16          Environmental Protection in the creation of the Recycling  
 17          Business Assistance Center; amending s. 403.7046, F.S.;  
 18          deleting a requirement that the Department of  
 19          Environmental Protection appoint a technical advisory  
 20          committee; clarifying reporting requirements; amending s.  
 21          403.705, F.S.; conforming a cross-reference; requiring  
 22          that the department report biennially to the Legislature  
 23          on the state's success in meeting solid waste reduction  
 24          goals; amending s. 403.706, F.S.; revising requirements  
 25          for the implementation of recyclable materials recycling  
 26          programs by counties; providing legislative intent;  
 27          providing authority for the Department of Environmental  
 28          Protection to require a plan under certain conditions;

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29 requiring a report to the Legislature by the Department of  
 30 Environmental Protection if recycling benchmarks are not  
 31 met; requiring the department to adopt rules; eliminating  
 32 a requirement that counties develop composting goals;  
 33 encouraging counties to develop composting plans;  
 34 providing deadlines for the reporting of recycling data;  
 35 revising requirements for the enactment of ordinances by  
 36 local governments relating to programs for the separation  
 37 of recyclable materials; amending s.403.7061, F.S.;  
 38 revising requirements for review of new waste-to-energy  
 39 facility capacity by the Department of Environmental  
 40 Protection; clarifying an exemption; amending s. 403.707,  
 41 F.S.; requiring liners for new construction and demolition  
 42 debris landfills; providing reporting requirements for  
 43 certain construction and demolition debris; requiring the  
 44 department to adopt rules; providing rule requirements;  
 45 providing an exemption; amending s. 403.7095, F.S.;  
 46 deleting application requirements for the solid waste  
 47 management program; deleting a requirement for the  
 48 Department of Environmental Protection to evaluate and  
 49 prioritize proposals for inclusion in its annual budget  
 50 request; amending s. 403.7145, F.S.; revising recycling  
 51 requirements for state buildings; providing for a pilot  
 52 project; requiring each public airport in the state to  
 53 collect aluminum beverage cans and recyclable plastic and  
 54 glass from the entities doing business at the airport and  
 55 to offer such materials for recycling; amending s. 553.77,  
 56 F.S.; authorizing the Florida Building Commission to

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57 develop recommendations for recycling and composting;  
 58 amending s. 403.7049, F.S.; conforming a cross-reference;  
 59 repealing s. 288.1185, F.S., relating to the Recycling  
 60 Markets Advisory Committee; providing an effective date.

61  
 62 Be It Enacted by the Legislature of the State of Florida:

63  
 64 Section 1. Section 403.7032, Florida Statutes, is amended  
 65 to read:

66 403.7032 Recycling.—

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

76 (2) By the year 2020, the long-term goal for the recycling  
 77 efforts of state and local governmental entities, private  
 78 companies and organizations, and the general public is to  
 79 recycle at least 75 percent of the municipal solid waste that  
 80 would otherwise be ~~reduce the amount of recyclable solid waste~~  
 81 disposed of in waste management facilities, landfills, or  
 82 incineration facilities ~~by a statewide average of at least 75~~  
 83 ~~percent~~. However, any solid waste used for the production of  
 84 renewable energy shall count toward the long-term recycling goal

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85 as set forth in this section.

86 (3) Each state agency, K-12 public school, public  
 87 institution of higher learning, community college, and state  
 88 university, including all buildings that are occupied by  
 89 municipal, county, or state employees and entities occupying  
 90 buildings managed by the Department of Management Services,  
 91 must, at a minimum, annually report all recycled materials to  
 92 the county using the department's designated reporting format.  
 93 This section does not apply to a fiscally constrained county as  
 94 defined in s. 218.67(1) or to a municipality of special  
 95 financial concern, as defined in s. 200.185(1)(b), with a per  
 96 capital taxable value of assessed property that does not exceed  
 97 \$58,000 or to any municipality under 20,000 in population with a  
 98 per capital taxable value of assessed property that does not  
 99 exceed \$46,000. Private businesses, other than certified  
 100 recovered materials dealers, which generate recyclable  
 101 materials, such as, but not limited to, paper, metals, glass,  
 102 plastics, textiles, rubber materials, and mulch, are strongly  
 103 encouraged to report the amount of recycled materials to the  
 104 county biennially starting January 1, 2011, using the  
 105 department's designated reporting format. For reporting  
 106 purposes, businesses that choose to contract with local entities  
 107 to remove recyclables from their businesses for recycling may  
 108 submit appropriate verification to the department and will be  
 109 considered as reporting a recycling rate. Private businesses  
 110 that are not required to report recycling rates are encouraged  
 111 to participate. Notwithstanding any other provision of state or  
 112 local law, those private businesses reporting, other than

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113 certified recovered materials dealers, according to this  
 114 subsection shall not be required to comply with any additional  
 115 recycling reporting requirements regarding their recycling  
 116 rates.

117 ~~(4)(3)~~ The Department of Environmental Protection shall  
 118 develop a comprehensive recycling program that is designed to  
 119 achieve the percentage under subsection (2) and submit the  
 120 program to the President of the Senate and the Speaker of the  
 121 House of Representatives by January 1, 2010. The program may not  
 122 be implemented until approved by the Legislature. The program  
 123 must be developed in coordination with input from state and  
 124 local entities, private businesses, and the public. Under the  
 125 program, recyclable materials shall include, but are not limited  
 126 to, metals, paper, glass, plastic, textile, rubber materials,  
 127 and mulch. Components of the program shall include, but are not  
 128 limited to:

129 (a) Programs to identify environmentally preferable  
 130 purchasing practices to encourage the purchase of recycled,  
 131 durable, and less toxic goods. The Department of Management  
 132 Services shall modify its procurement system to report on green  
 133 and recycled products purchased through the system by September  
 134 30, 2011.

135 (b) Programs to educate students in grades K-12 in the  
 136 benefits of, and proper techniques for, recycling.

137 (c) Programs for statewide recognition of successful  
 138 recycling efforts by schools, businesses, public groups, and  
 139 private citizens.

140 (d) Programs for municipalities and counties to develop

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141 and implement efficient recycling efforts to return valuable  
 142 materials to productive use, conserve energy, and protect  
 143 natural resources.

144 (e) Programs by which the department can provide technical  
 145 assistance to municipalities and counties in support of their  
 146 recycling efforts.

147 (f) Programs to educate and train the public in proper  
 148 recycling efforts.

149 (g) Evaluation of how financial assistance can best be  
 150 provided to municipalities and counties in support of their  
 151 recycling efforts.

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

154 (5) The department shall create the Recycling Business  
 155 Assistance Center by December 1, 2010. In carrying out its  
 156 duties under this subsection, the department shall consult with  
 157 state agency personnel appointed to serve as economic  
 158 development liaisons under s. 288.021 and seek technical  
 159 assistance from Enterprise Florida, Inc., to ensure the  
 160 Recycling Business Assistance Center is positioned to succeed.  
 161 The purpose of the center shall be to serve as the mechanism for  
 162 coordination among state agencies and the private sector in  
 163 order to coordinate policy and overall strategic planning for  
 164 developing new markets and expanding and enhancing existing  
 165 markets for recyclable materials in this state, other states,  
 166 and foreign countries. The duties of the center shall include,  
 167 at a minimum:

168 (a) Identifying and developing new markets and expanding

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169 and enhancing existing markets for recyclable materials;  
 170 (b) Pursuing expanded end uses for recycled materials;  
 171 (c) Targeting materials for concentrated market-  
 172 development efforts;  
 173 (d) Developing proposals for new incentives for market  
 174 development, particularly focusing on targeted materials;  
 175 (e) Providing guidance on issues such as permitting,  
 176 finance options for recycling market development, site location,  
 177 research and development, grant program criteria for recycled  
 178 materials markets, recycling markets education and information,  
 179 and minimum content;  
 180 (f) Coordinating the efforts of various governmental  
 181 entities having market-development responsibilities in order to  
 182 optimize supply and demand for recyclable materials;  
 183 (g) Evaluating source-reduced products as they relate to  
 184 state procurement policy. The evaluation shall include, but is  
 185 not limited to, the environmental and economic impact of source-  
 186 reduced product purchases to the state. For the purposes of this  
 187 paragraph, the term "source-reduced" means any method, process,  
 188 product, or technology that significantly or substantially  
 189 reduces the volume or weight of a product while providing, at a  
 190 minimum, equivalent or generally similar performance and service  
 191 to and for the users of such materials;  
 192 (h) Providing evaluation of solid waste management grants,  
 193 pursuant to s. 403.7095, to reduce the flow of solid waste to  
 194 disposal facilities and encourage the sustainable recovery of  
 195 materials from Florida's waste stream;  
 196 (i) Providing below-market financing for companies that

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197 manufacture products from recycled materials or convert  
 198 recyclable materials into raw materials for use in  
 199 manufacturing, pursuant to the Florida Recycling Loan Program as  
 200 administered by the Florida First Capital Finance Corporation;

201 (j) Maintaining a continuously updated online directory,  
 202 listing the public and private entities that collect, transport,  
 203 broker, process, or remanufacture recyclable materials in the  
 204 state;

205 (k) Providing information on the availability and benefits  
 206 of using recycled materials to private entities and industries  
 207 in the state;

208 (l) Distributing any materials prepared in implementing  
 209 this subsection to the public, private entities, industries,  
 210 governmental entities, or other organizations upon request; and

211 (m) Coordinating with the Agency for Workforce Innovation  
 212 and its partners to provide job placement and job training  
 213 services to job seekers through the state's workforce services  
 214 programs.

215 Section 2. Subsection (9) is added to section 288.9015,  
 216 Florida Statutes, to read:

217 288.9015 Enterprise Florida, Inc.; purpose; duties.—

218 (9) Enterprise Florida, Inc., shall provide technical  
 219 assistance to the Department of Environmental Protection in the  
 220 creation of the Recycling Business Assistance Center pursuant to  
 221 s. 403.7032(5). As the state's primary organization devoted to  
 222 statewide economic development, Enterprise Florida, Inc., is  
 223 encouraged to cooperate with the Department of Environmental  
 224 Protection to ensure that the Recycling Business Assistance



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225 Center is positioned to succeed in helping to enhance and expand  
 226 existing markets for recyclable materials in Florida, other  
 227 states, and foreign countries.

228 Section 3. Subsection (1) of section 403.7046, Florida  
 229 Statutes, is amended to read:

230 403.7046 Regulation of recovered materials.—

231 (1) Any person who handles, purchases, receives, recovers,  
 232 sells, or is an end user of recovered materials shall annually  
 233 certify to the department on forms provided by the department.  
 234 The department may by rule exempt from this requirement  
 235 generators of recovered materials; persons who handle or sell  
 236 recovered materials as an activity which is incidental to the  
 237 normal primary business activities of that person; or persons  
 238 who handle, purchase, receive, recover, sell, or are end users  
 239 of recovered materials in small quantities as defined by the  
 240 department. The department shall adopt rules for the  
 241 certification of and reporting by such persons and shall  
 242 establish criteria for revocation of such certification. ~~Prior~~  
 243 ~~to the adoption of such rules, the department shall appoint a~~  
 244 ~~technical advisory committee of no more than nine persons,~~  
 245 ~~including, at a minimum, representatives of the Florida~~  
 246 ~~Association of Counties, the Florida League of Cities, the~~  
 247 ~~Florida Recyclers Association, and the Florida Chapter of the~~  
 248 ~~National Solid Waste Management Association, to aid in the~~  
 249 ~~development of such rules.~~ Such rules shall be designed to  
 250 elicit, at a minimum, the amount and types of recovered  
 251 materials handled by registrants, and the amount and disposal  
 252 site, or name of person with whom such disposal was arranged, of

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253 any solid waste generated by such facility. By February 1 of  
 254 each year, registrants shall report all required information to  
 255 the department and to all counties from which it received  
 256 materials. Such rules may provide for the department to conduct  
 257 periodic inspections. The department may charge a fee of up to  
 258 \$50 for each registration, which shall be deposited into the  
 259 Solid Waste Management Trust Fund for implementation of the  
 260 program.

261 Section 4. Paragraph (c) of subsection (2) and subsection  
 262 (3) of section 403.705, Florida Statutes, is amended to read:

263 403.705 State solid waste management program.—

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

266 (c) Planning guidelines and technical assistance to  
 267 counties and municipalities to aid in meeting the municipal  
 268 solid waste reduction goals established in s. 403.706(2) ~~s.~~  
 269 ~~403.706(4)~~.

270 (3) The department shall ~~periodically seek information~~  
 271 ~~from counties to~~ evaluate and report to the Legislature  
 272 biennially on the state's success in meeting the solid waste  
 273 recycling reduction goal as described in s. 403.706(2).

274 Section 5. Subsections (2), (4), (7), and (21) of section  
 275 403.706, Florida Statutes, are amended to read:

276 403.706 Local government solid waste responsibilities.—

277 (2) (a) Each county with a population greater than 100,000  
 278 and each municipality with a population greater than 50,000  
 279 shall implement a recyclable materials recycling program that  
 280 shall have a goal of recycling recyclable solid waste by 40

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281 percent by December 31, 2012, 50 percent by December 31, 2014,  
 282 60 percent by December 31, 2016, 70 percent by December 31,  
 283 2018, and 75 percent by December 31, 2020. To attain these  
 284 goals, each county must include a program to recycle  
 285 construction and demolition debris. Counties and municipalities  
 286 are encouraged to form cooperative arrangements for implementing  
 287 recycling programs.

288 (b) In order to assist in attaining the goals provided in  
 289 paragraph (a), the Legislature finds that the recycling of  
 290 construction and demolition debris is in the state's interest.  
 291 Each county must implement a program for recycling construction  
 292 and demolition debris.

293 (c) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,  
 294 the county, as determined by the department in accordance with  
 295 applicable rules, has not reached the recycling goals provided  
 296 in paragraph (a), the department may direct the county to  
 297 develop a plan to expand recycling programs to existing  
 298 commercial and multifamily dwellings, including, but not limited  
 299 to, apartment complexes.

300 (d) If the state's recycling rate for the 2013 calendar  
 301 year is below 40 percent, or below 50 percent by January 1,  
 302 2015, or below 60 by January 1, 2017, or below 70 percent by  
 303 January 1, 2019, or below 75 percent by January 1, 2021, the  
 304 department shall provide a report to the Legislature. The report  
 305 shall identify those additional programs or statutory changes  
 306 needed to achieve the goals provided in this subsection. The  
 307 report shall be provided no later than 30 days prior to the 2015  
 308 Regular Session of the Legislature. If the state reaches its

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309 recycling goals as described in this paragraph then the  
 310 department shall not provide a report to the Legislature.

311 (e)-(b) Such programs shall be designed to recover a  
 312 significant portion of at least four of the following materials  
 313 from the solid waste stream prior to final disposal at a solid  
 314 waste disposal facility and to offer these materials for  
 315 recycling: newspaper, aluminum cans, steel cans, glass, plastic  
 316 bottles, cardboard, office paper, and yard trash. Local  
 317 governments which operate permitted waste-to-energy facilities  
 318 may retrieve ferrous and nonferrous metal as a byproduct of  
 319 combustion.

320 (f)-(e) Local governments are encouraged to separate all  
 321 plastics, metal, and all grades of paper for recycling prior to  
 322 final disposal and are further encouraged to recycle yard trash  
 323 and other mechanically treated solid waste into compost  
 324 available for agricultural and other acceptable uses.

325 (g) The department shall adopt rules establishing the  
 326 method and criteria to be used by a county in calculating the  
 327 recycling rates pursuant to this subsection.

328 ~~(d) By July 1, 2010, each county shall develop and~~  
 329 ~~implement a plan to achieve a goal to compost organic materials~~  
 330 ~~that would otherwise be disposed of in a landfill. The goal~~  
 331 ~~shall provide that up to 10 percent and no less than 5 percent~~  
 332 ~~of organic material would be composted within the county and the~~  
 333 ~~municipalities within its boundaries. The department may reduce~~  
 334 ~~or modify the compost goal if the county demonstrates to the~~  
 335 ~~department that achievement of the goal would be impractical~~  
 336 ~~given the county's unique demographic, urban density, or~~

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337 ~~inability to separate normally compostable material from the~~  
 338 ~~solid waste stream. The composting plan is encouraged to address~~  
 339 ~~partnership with the private sector.~~

340 (h) ~~(e)~~ Each county is encouraged to consider plans for  
 341 composting or mulching organic materials that would otherwise be  
 342 disposed of in a landfill. The composting or mulching plans are  
 343 encouraged to address partnership with the private sector.

344 ~~(4) (a) A county's solid waste management and recycling~~  
 345 ~~programs shall be designed to provide for sufficient reduction~~  
 346 ~~of the amount of solid waste generated within the county and the~~  
 347 ~~municipalities within its boundaries in order to meet goals for~~  
 348 ~~the reduction of municipal solid waste prior to the final~~  
 349 ~~disposal or the incineration of such waste at a solid waste~~  
 350 ~~disposal facility. The goals shall provide, at a minimum, that~~  
 351 ~~the amount of municipal solid waste that would be disposed of~~  
 352 ~~within the county and the municipalities within its boundaries~~  
 353 ~~is reduced by at least 30 percent.~~

354 (a) ~~(b)~~ A county may receive credit for one-half of the  
 355 recycling goal in subsection (2) ~~for waste reduction~~ from the  
 356 use of yard trash, or other clean wood waste or paper waste, in  
 357 innovative programs including, but not limited to, programs that  
 358 produce alternative clean-burning fuels such as ethanol or that  
 359 provide for the conversion of yard trash or other clean wood  
 360 waste or paper waste to clean-burning fuel for the production of  
 361 energy for use at facilities other than a waste-to-energy  
 362 facility as defined in s. 403.7061. The provisions of this  
 363 paragraph apply only if a county can demonstrate that:

364 1. The county has implemented a yard trash mulching or

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365 composting program, and

366 2. As part of the program, compost and mulch made from  
 367 yard trash is available to the general public and in use at  
 368 county-owned or maintained and municipally owned or maintained  
 369 facilities in the county and state agencies operating in the  
 370 county as required by this section.

371 (b) ~~(e)~~ A county with a population of 100,000 or less may  
 372 provide its residents with the opportunity to recycle in lieu of  
 373 achieving the goal set forth in this section ~~paragraph (a)~~. For  
 374 the purposes of this section subsection, the "opportunity to  
 375 recycle" means that the county:

376 1.a. Provides a system for separating and collecting  
 377 recyclable materials prior to disposal that is located at a  
 378 solid waste management facility or solid waste disposal area; or

379 b. Provides a system of places within the county for  
 380 collection of source-separated recyclable materials.

381 2. Provides a public education and promotion program that  
 382 is conducted to inform its residents of the opportunity to  
 383 recycle, encourages source separation of recyclable materials,  
 384 and promotes the benefits of reducing, reusing, recycling, and  
 385 composting materials.

386 (6) The department may reduce or modify the municipal solid  
 387 waste recycling ~~reduction~~ goal that a county is required to  
 388 achieve pursuant to subsection (2)(a) ~~(4)~~ if the county  
 389 demonstrates to the department that:

390 (a) The achievement of the goal set forth in subsection  
 391 (2)(a) ~~(4)~~ would have an adverse effect on the financial  
 392 obligations of a county that are directly related to a waste-to-

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393 energy facility owned or operated by or on behalf of the county;  
 394 and

395 (b) The county cannot remove normally combustible materials  
 396 from solid waste that is to be processed at a waste-to-energy  
 397 facility because of the need to maintain a sufficient amount of  
 398 solid waste to ensure the financial viability of the facility.

399  
 400 The goal shall not be waived entirely and may only be reduced or  
 401 modified to the extent necessary to alleviate the adverse  
 402 effects of achieving the goal on the financial viability of a  
 403 county's waste-to-energy facility. Nothing in this subsection  
 404 shall exempt a county from developing and implementing a  
 405 recycling program pursuant to this act.

406 (7) In order to assess the progress in meeting the goal  
 407 established in subsection (2) ~~(4)~~, each county shall, by April 1  
 408 ~~November~~ each year, provide information to the department  
 409 regarding its annual solid waste management program and  
 410 recycling activities. The information by the county must, at a  
 411 minimum, include:

412 (a) The amount of municipal solid waste disposed of at  
 413 solid waste disposal facilities, by type of waste such as yard  
 414 trash, white goods, clean debris, tires, and unseparated solid  
 415 waste;

416 (b) The amount and type of materials from the municipal  
 417 solid waste stream that were recycled; and

418 (c) The percentage of the population participating in  
 419 various types of recycling activities instituted.

420 (d) Beginning with the data for the 2012 calendar year,

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421 the department shall annually, by July 1, post on its website  
 422 the recycling rates of each county for the prior calendar year.

423 (21) Local governments are authorized to enact ordinances  
 424 that require and direct all residential properties, multifamily  
 425 dwelling, and apartment complexes and industrial, commercial,  
 426 and institutional establishments as defined by the local  
 427 government to establish programs for the separation of  
 428 recyclable materials designated by the local government, which  
 429 recyclable materials are specifically intended for purposes of  
 430 recycling and for which a market exists, and to provide for  
 431 their collection. Such ordinances may include, but are not  
 432 limited to, provisions that prohibit any person from knowingly  
 433 disposing of recyclable materials designated by the local  
 434 government and that ensure the collection of recovered materials  
 435 as necessary to protect public health and safety.

436 Section 6. Paragraph (c) of subsection (3) of section  
 437 403.7061, Florida Statutes, is amended to read:

438 403.7061 Requirements for review of new waste-to-energy  
 439 facility capacity by the Department of Environmental  
 440 Protection.—

441 (3) An applicant must provide reasonable assurance that  
 442 the construction of a new waste-to-energy facility or the  
 443 expansion of an existing waste-to-energy facility will comply  
 444 with the following criteria:

445 (c) The county in which the facility is located has  
 446 implemented and maintains a solid waste management and recycling  
 447 program that is designed to achieve a ~~the~~ waste reduction goal  
 448 of at least 30 percent ~~set forth in s. 403.706(4).~~ For the



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449 ~~purposes of this section, the provisions of s. 403.706(4)(c) for~~  
 450 The requirements of this paragraph do not apply to counties  
 451 having populations of 100,000 or fewer ~~do not apply.~~

452 Section 7. Subsection (9) of section 403.707, Florida  
 453 Statutes, is amended to read:

454 403.707 Permits.—

455 (9) The department shall establish a separate category for  
 456 solid waste management facilities that accept only construction  
 457 and demolition debris for disposal or recycling. The department  
 458 shall establish a reasonable schedule for existing facilities to  
 459 comply with this section to avoid undue hardship to such  
 460 facilities. However, a permitted solid waste disposal unit that  
 461 receives a significant amount of waste prior to the compliance  
 462 deadline established in this schedule shall not be required to  
 463 be retrofitted with liners or leachate control systems.

464 (a) The department shall establish reasonable  
 465 construction, operation, monitoring, recordkeeping, financial  
 466 assurance, and closure requirements for such facilities. The  
 467 department shall take into account the nature of the waste  
 468 accepted at various facilities when establishing these  
 469 requirements, and may impose less stringent requirements,  
 470 including a system of general permits or registration  
 471 requirements, for facilities that accept only a segregated waste  
 472 stream which is expected to pose a minimal risk to the  
 473 environment and public health, such as clean debris. The  
 474 Legislature recognizes that incidental amounts of other types of  
 475 solid waste are commonly generated at construction or demolition  
 476 projects. In any enforcement action taken pursuant to this

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477 section, the department shall consider the difficulty of  
 478 removing these incidental amounts from the waste stream.

479 (b) The department shall ~~not~~ require liners and leachate  
 480 collection systems at individual disposal units and lateral  
 481 expansions of existing disposal units, that receive construction  
 482 permits after July 1, 2010, facilities unless it demonstrates,  
 483 based upon the types of waste received, the methods for  
 484 controlling types of waste disposed of, the proximity of  
 485 groundwater and surface water, and the results of the  
 486 hydrogeological and geotechnical investigations, that a liner is  
 487 not necessary ~~the facility is reasonably expected to result in~~  
 488 ~~violations of groundwater standards and criteria otherwise.~~

489 (c) The owner or operator shall provide financial  
 490 assurance for closing of the facility in accordance with the  
 491 requirements of s. 403.7125. The financial assurance shall cover  
 492 the cost of closing the facility and 5 years of long-term care  
 493 after closing, unless the department determines, based upon  
 494 hydrogeologic conditions, the types of wastes received, or the  
 495 groundwater monitoring results, that a different long-term care  
 496 period is appropriate. However, unless the owner or operator of  
 497 the facility is a local government, the escrow account described  
 498 in s. 403.7125(2) may not be used as a financial assurance  
 499 mechanism.

500 (d) The department shall establish training requirements  
 501 for operators of facilities, and shall work with the State  
 502 University System or other providers to assure that adequate  
 503 training courses are available. The department shall also assist  
 504 the Florida Home Builders Association in establishing a

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505 component of its continuing education program to address proper  
 506 handling of construction and demolition debris, including best  
 507 management practices for reducing contamination of the  
 508 construction and demolition debris waste stream.

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

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

516 (g) By January 1, 2012, all construction and demolition  
 517 debris must be processed prior to disposal at a permitted waste  
 518 processing facility or at a permitted disposal facility. This  
 519 paragraph does not apply to any materials that have been source  
 520 separated and offered for recycling or to a county in which  
 521 there is not a permitted waste processing facility or a  
 522 permitted disposal facility. It is the policy of the Legislature  
 523 ~~to encourage facilities to recycle. The department shall~~  
 524 ~~establish criteria and guidelines that encourage recycling where~~  
 525 ~~practical and provide for the use of recycled materials in a~~  
 526 ~~manner that protects the public health and the environment.~~  
 527 ~~Facilities are authorized to recycle, provided such activities~~  
 528 ~~do not conflict with such criteria and guidelines.~~

529 (h) The department shall ensure that the requirements of  
 530 this section are applied and interpreted consistently throughout  
 531 the state. In accordance with s. 20.255, the Division of Waste  
 532 Management shall direct the district offices and bureaus on

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533 matters relating to the interpretation and applicability of this  
 534 section.

535 (i) The department shall provide notice of receipt of a  
 536 permit application for the initial construction of a  
 537 construction and demolition debris disposal facility to the  
 538 local governments having jurisdiction where the facility is to  
 539 be located.

540 (j) The Legislature recognizes that recycling, waste  
 541 reduction, and resource recovery are important aspects of an  
 542 integrated solid waste management program and as such are  
 543 necessary to protect the public health and the environment. If  
 544 necessary to promote such an integrated program, the county may  
 545 determine, after providing notice and an opportunity for a  
 546 hearing prior to April 30, 2008, that some or all of the  
 547 material described in s. 403.703(6)(b) shall be excluded from  
 548 the definition of "construction and demolition debris" in s.  
 549 403.703(6) within the jurisdiction of such county. The county  
 550 may make such a determination only if it finds that, prior to  
 551 June 1, 2007, the county has established an adequate method for  
 552 the use or recycling of such wood material at an existing or  
 553 proposed solid waste management facility that is permitted or  
 554 authorized by the department on June 1, 2007. The county is not  
 555 required to hold a hearing if the county represents that it  
 556 previously has held a hearing for such purpose, or if the county  
 557 represents that it previously has held a public meeting or  
 558 hearing that authorized such method for the use or recycling of  
 559 trash or other nonputrescible waste materials and that such  
 560 materials include those materials described in s. 403.703(6)(b).

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561 The county shall provide written notice of its determination to  
 562 the department by no later than April 30, 2008; thereafter, the  
 563 materials described in s. 403.703(6) shall be excluded from the  
 564 definition of "construction and demolition debris" in s.  
 565 403.703(6) within the jurisdiction of such county. The county  
 566 may withdraw or revoke its determination at any time by  
 567 providing written notice to the department.

568 (k) Brazilian pepper and other invasive exotic plant  
 569 species as designated by the department resulting from  
 570 eradication projects may be processed at permitted construction  
 571 and demolition debris recycling facilities or disposed of at  
 572 permitted construction and demolition debris disposal facilities  
 573 or Class III facilities. The department may adopt rules to  
 574 implement this paragraph.

575 Section 8. Section 403.7095, Florida Statutes, is amended  
 576 to read:

577 403.7095 Solid waste management grant program.-

578 ~~(1) The department shall develop a competitive and~~  
 579 ~~innovative grant program for counties, municipalities, special~~  
 580 ~~districts, and nonprofit organizations that have legal~~  
 581 ~~responsibility for the provision of solid waste management~~  
 582 ~~services. For purposes of this program, "innovative" means that~~  
 583 ~~the process, technology, or activity for which funding is sought~~  
 584 ~~has not previously been implemented within the jurisdiction of~~  
 585 ~~the applicant. The applicant must:~~

586 ~~(a) Demonstrate technologies or processes that represent a~~  
 587 ~~novel application of an existing technology or process to~~  
 588 ~~recycle or reduce waste, or that overcome obstacles to recycling~~

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589 ~~or waste reduction in new or innovative ways;~~

590 ~~(b) Demonstrate innovative processes to collect and recycle~~  
 591 ~~or reduce materials targeted by the department and the recycling~~  
 592 ~~industry; or~~

593 ~~(c) Demonstrate effective solutions to solving solid waste~~  
 594 ~~problems resulting from waste tires, particularly in the areas~~  
 595 ~~of enforcement and abatement of illegal tire dumping and~~  
 596 ~~activities to promote market development of waste tire products.~~

598 ~~Because the Legislature recognizes that input from the~~  
 599 ~~recycling industry is essential to the success of this grant~~  
 600 ~~program, the department shall cooperate with private sector~~  
 601 ~~entities to develop a process and define specific criteria for~~  
 602 ~~allowing their participation with grant recipients.~~

603 ~~(2) The department shall evaluate and prioritize the annual~~  
 604 ~~grant proposals and present the annual prioritized list of~~  
 605 ~~projects to be funded to the Governor and the Legislature as~~  
 606 ~~part of its annual budget request submitted pursuant to chapter~~  
 607 ~~216. Potential grant recipients are encouraged to demonstrate~~  
 608 ~~local support for grant proposals by the commitment of cash or~~  
 609 ~~in-kind matching funds.~~

610 ~~(1)~~(3) The department shall develop a consolidated grant  
 611 program for small counties having populations fewer than  
 612 100,000, with grants to be distributed equally among eligible  
 613 counties. Programs to be supported with the small-county  
 614 consolidated grants include general solid waste management,  
 615 litter prevention and control, and recycling and education  
 616 programs.

617 ~~(2)~~(4) The department shall develop a waste tire grant  
 618 program making grants available to all counties. The department

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619 shall ensure that at least 25 percent of the funding available  
 620 for waste tire grants is distributed equally to each county  
 621 having a population fewer than 100,000. Of the remaining funds  
 622 distributed to counties having a population of 100,000 or  
 623 greater, the department shall distribute those funds on the  
 624 basis of population.

625 (3)~~(5)~~ From the funds made available pursuant to s.  
 626 403.709(1)(e) for the grant program created by this section, the  
 627 following distributions shall be made:

628 ~~(a) Up to 15 percent for the program described in~~  
 629 ~~subsection (1);~~

630 (a)~~(b)~~ Up to 50 ~~35~~ percent for the program described in  
 631 subsection (1)~~(3)~~; and

632 (b)~~(e)~~ Up to 50 percent for the program described in  
 633 subsection (2)~~(4)~~.

634 (4)~~(6)~~ The department may adopt rules necessary to  
 635 administer this section, including, but not limited to, rules  
 636 governing timeframes for submitting grant applications, criteria  
 637 for prioritizing, matching criteria, maximum grant amounts, and  
 638 allocation of appropriated funds based upon project and  
 639 applicant size.

640 ~~(7) Notwithstanding any provision of this section to the~~  
 641 ~~contrary, and for the 2009-2010 fiscal year only, the Department~~  
 642 ~~of Environmental Protection shall award the sum of \$2,600,000 in~~  
 643 ~~grants equally to counties having populations of fewer than~~  
 644 ~~100,000 for waste tire and litter prevention, recycling~~  
 645 ~~education, and general solid waste programs. This subsection~~  
 646 ~~expires July 1, 2010.~~

647 ~~(8)(a) Notwithstanding any provision of this section to the~~  
 648 ~~contrary, and for the 2008-2009 fiscal year only, the Department~~

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649 ~~of Environmental Protection shall award:~~

650 ~~1. The sum of \$9,428,773 in grants equally to counties~~  
 651 ~~having populations of fewer than 100,000 for waste tire and~~  
 652 ~~litter prevention, recycling education, and general solid waste~~  
 653 ~~programs.~~

654 ~~2. The sum of \$2,000,781 to be used for the Innovative~~  
 655 ~~Grant Program.~~

656 ~~(b) This subsection expires July 1, 2009.~~

657 Section 8. Subsection (1) of section 403.7145, Florida  
 658 Statutes, is amended, and subsections (3) and (4) are added to  
 659 that section, to read:

660 403.7145 Recycling.—

661 (1) The Capitol and the House and Senate office buildings  
 662 constitute the Capitol recycling area. The Florida House of  
 663 Representatives, the Florida Senate, and the Office of the  
 664 Governor, the Secretary of State, and each Cabinet officer who  
 665 heads a department that occupies office space in the Capitol,  
 666 shall institute a recycling program for their respective offices  
 667 in the House and Senate office buildings and the Capitol.  
 668 Provisions shall be made to collect and sell wastepaper and  
 669 empty aluminum beverage containers cans generated by employee  
 670 activities in these offices. The collection and sale of such  
 671 materials shall be reported to Leon County using the  
 672 department's designated reporting format and coordinated with  
 673 Department of Management Services recycling activities to  
 674 maximize the efficiency and economy of this program. The  
 675 Governor, the Speaker of the House of Representatives, the  
 676 President of the Senate, the Secretary of State, and the Cabinet



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677 officers may authorize the use of proceeds from recyclable  
 678 material sales for employee benefits and other purposes, in  
 679 order to provide incentives to their respective employees for  
 680 participation in the recycling program. Such proceeds may also  
 681 be used to offset any costs of the recycling program. As a  
 682 demonstration of leading by example, the Capitol Building's  
 683 recycling rates shall be posted on the website of the Department  
 684 of Management Services and shall include the details of the  
 685 recycling rates for each Department of Management Services pool  
 686 facility. The Department of Environmental Protection shall post  
 687 recycling rates of each state-owned facility reported to the  
 688 Department of Management Services.

689 (3) Prior to awarding any grants pursuant to s. 403.7095,  
 690 the department shall develop and contract for an innovative  
 691 recycling pilot project for the Capitol recycling area. The  
 692 project shall be designed to collect recyclable materials and  
 693 create a more sustainable recycling system. Components of the  
 694 project shall be designed to increase convenience, incentivize  
 695 and measure participation, reduce material volume, and assist in  
 696 achieving the recycling goals enumerated in s. 403.706.

697 (4) Each public airport operating in this state shall, to  
 698 the greatest extent practicable, collect aluminum beverage cans  
 699 and recyclable plastic and glass from the airlines and other  
 700 entities doing business at the airport and offer such materials  
 701 for recycling and may retain the economic benefit of these  
 702 activities to offset the costs associated with such collection.  
 703 Airport administration offices, airport vendors, and airlines  
 704 are encouraged to coordinate the collection of recyclable waste

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705 to the greatest extent practicable. The provisions of this  
 706 subsection are not intended to interfere with any established  
 707 recycling activity.

708 Section 9. Paragraph (m) is added to subsection (1) of  
 709 section 553.77, Florida Statutes, to read:

710 553.77 Specific powers of the commission.—

711 (1) The commission shall:

712 (m) Develop recommendations that increase residential and  
 713 commercial recycling and composting, and strongly encourages the  
 714 use of recyclable materials and the recycling of construction  
 715 and demolition debris.

716 Section 10. Subsection (5) of section 403.7049, Florida  
 717 Statutes, is amended to read:

718 403.7049 Determination of full cost for solid waste  
 719 management; local solid waste management fees.—

720 (5) In order to assist in achieving the municipal solid  
 721 waste reduction goal and the recycling provisions of s.  
 722 403.706(2) ~~s. 403.706(4)~~, a county or a municipality which owns  
 723 or operates a solid waste management facility is hereby  
 724 authorized to charge solid waste disposal fees which may vary  
 725 based on a number of factors, including, but not limited to, the  
 726 amount, characteristics, and form of recyclable materials  
 727 present in the solid waste that is brought to the county's or  
 728 the municipality's facility for processing or disposal

729 Section 11. Section 288.1185, Florida Statutes, is  
 730 repealed.

731 Section 12. This act shall take effect July 1, 2010.