

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Mayfield offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 4969 and 4970, insert:

5 Section 89. Section 403.7031, Florida Statutes, is amended
6 to read:

7 403.7031 Limitations on definitions adopted by local
8 ordinance.--A county or a municipality may ~~shall~~ not adopt by
9 ordinance, or use in practice, any definition that is
10 inconsistent with the definitions in s. 403.703.

11 Section 90. Section 403.7032, Florida Statutes, is created
12 to read

13 403.7032 Recycling.--

14 (1) The Legislature finds that the failure or inability to
15 economically recover material and energy resources from solid
16 waste results in the unnecessary waste and depletion of our

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17 natural resources. As the state continues to grow, so will the
18 potential amount of discarded material that must be treated and
19 disposed of, necessitating the improvement of solid waste
20 collection and disposal. Therefore, the maximum recycling and
21 reuse of such resources are considered high-priority goals of
22 the state.

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

29 (3) The Department of Environmental Protection shall
30 develop a comprehensive recycling program that is designed to
31 achieve the percentage under subsection (2) and submit the
32 program to the President of the Senate and the Speaker of the
33 House of Representatives by January 1, 2010. The program may not
34 be implemented until approved by the Legislature. The program
35 must be developed in coordination with input from state and
36 local entities, private businesses, and the public. Under the
37 program, recyclable materials shall include, but are not limited
38 to, metals, paper, glass, plastic, textile, rubber materials,
39 and mulch. Components of the program shall include, but are not
40 limited to:

41 (a) Programs to identify environmentally preferable
42 purchasing practices to encourage the purchase of recycled,
43 durable, and less toxic goods.

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

46 (c) Programs for statewide recognition of successful
47 recycling efforts by schools, businesses, public groups, and
48 private citizens.

49 (d) Programs for municipalities and counties to develop
50 and implement efficient recycling efforts to return valuable
51 materials to productive use, conserve energy, and protect
52 natural resources.

53 (e) Programs by which the department can provide technical
54 assistance to municipalities and counties in support of their
55 recycling efforts.

56 (f) Programs to educate and train the public in proper
57 recycling efforts;

58 (g) Evaluation of how financial assistance can best be
59 provided to municipalities and counties in support of their
60 recycling efforts.

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

63 Section 91. Section 403.7033, Florida Statutes, is created
64 to read:

65 403.7033 Departmental analysis of particular recyclable
66 materials.--The Legislature finds that prudent regulation of
67 recyclable materials is crucial to the ongoing welfare of
68 Florida's ecology and economy. As such, the Department of
69 Environmental Protection shall undertake an analysis of the need
70 for new or different regulation of auxiliary containers,
71 wrappings, or disposable plastic bags used by consumers to carry

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72 products from retail establishments. The analysis shall include
73 input from state and local government agencies, stakeholders,
74 private businesses, and citizens, and shall evaluate the
75 efficacy and necessity of both statewide and local regulation of
76 these materials. To ensure consistent and effective
77 implementation, the department shall submit a report with
78 conclusions and recommendations to the Legislature no later than
79 February 1, 2010. Until such time that the Legislature adopts
80 the recommendations of the department, no local government,
81 local governmental agency, or state government agency may enact
82 any rule, regulation, or ordinance regarding use, disposition,
83 sale, prohibition, restriction, or tax of such auxiliary
84 containers, wrappings, or disposable plastic bags.

85 Section 92. 403.706 Local government solid waste
86 responsibilities.--

87 (2) (a) Each county shall implement a recyclable materials
88 recycling program. Counties and municipalities are encouraged to
89 form cooperative arrangements for implementing recycling
90 programs.

91 (b) Such programs shall be designed to recover a
92 significant portion of at least four of the following materials
93 from the solid waste stream prior to final disposal at a solid
94 waste disposal facility and to offer these materials for
95 recycling: newspaper, aluminum cans, steel cans, glass, plastic
96 bottles, cardboard, office paper, and yard trash. Local
97 governments which operate permitted waste-to-energy facilities
98 may retrieve ferrous and nonferrous metal as a byproduct of
99 combustion.

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100 (c) Local governments are encouraged to separate all
101 plastics, metal, and all grades of paper for recycling prior to
102 final disposal and are further encouraged to recycle yard trash
103 and other mechanically treated solid waste into compost
104 available for agricultural and other acceptable uses.

105 (d) By July 1, 2010, each county shall develop and
106 implement a plan to achieve a goal to compost ~~is encouraged to~~
107 ~~consider plans for composting or mulching of~~ organic materials
108 that would otherwise be disposed of in a landfill. The goal
109 shall provide that up to 10 percent and no less than 5 percent
110 of organic material would be composted within the county and the
111 municipalities within its boundaries. The department may reduce
112 or modify the compost goal if the county demonstrates to the
113 department that achievement of the goal would be impractical
114 given the county's unique demographic, urban density, or
115 inability to separate normally compostable material from the
116 solid waste stream. The composting plan is ~~or mulching plans are~~
117 encouraged to address partnership with the private sector.

118 (e) Each county is encouraged to consider plans for
119 mulching organic materials that would otherwise be disposed of
120 in a landfill. The mulching plans are encouraged to address
121 partnership with the private sector.

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129 **T I T L E A M E N D M E N T**

130 Remove line 299 and insert:
131 made by the act; amending s. 403.7031, F.S.; prohibiting a
132 county or municipality from using in practice any definition
133 inconsistent with certain statutes; creating s. 403.7032, F.S.;
134 providing legislative findings regarding recycling; providing
135 for a long-term goal of reducing the amount of solid waste
136 disposed of in the state by a certain percentage; requiring the
137 Department of Environmental Protection to develop a
138 comprehensive recycling program and submit such program to the
139 Legislature by a specified date; requiring the Legislature's
140 approval before implementing such program; requiring that such
141 program be developed in coordination with other state and local
142 entities, private businesses, and the public; requiring that the
143 program contain certain components; creating s. 403.7033, F.S.,
144 requiring a departmental analysis of particular recyclable
145 materials; requiring a submission of a report; amending s.
146 403.706, F.S., requiring every county to implement a composting
147 plan to attain certain goals by a date certain; provides for
148 goal modifications upon demonstrated need to the department;
149 amending s. 489.145, F.S.; revising

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