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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/23/2010 03:02 PM

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Senator Constantine moved the following:

Senate Amendment (with title amendment)

Delete lines 251 - 925

and insert:

Section 2. 403.7032, Florida Statutes, is amended 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 the state 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



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14 reuse of such resources are considered high-priority goals of
15 the state.

16 (2) By the year 2020, the long-term goal for the recycling
17 efforts of state and local governmental entities, private
18 companies and organizations, and the general public is to
19 recycle at least 75 percent of the municipal solid waste that
20 would otherwise be reduce the amount of recyclable solid waste
21 disposed of in waste management facilities, landfills, or
22 incineration facilities by a statewide average of at least 75
23 percent. However, any solid waste used for the production of
24 renewable energy shall count toward the long-term recycling goal
25 as set forth in this part section.

26 (3) Each state agency, K-12 public school, public
27 institution of higher learning, community college, and state
28 university, including all buildings that are occupied by
29 municipal, county, or state employees and entities occupying
30 buildings managed by the Department of Management Services,
31 must, at a minimum, annually report all recycled materials to
32 the county using the department's designated reporting format.
33 Private businesses, other than certified recovered materials
34 dealers, that recycle paper, metals, glass, plastics, textiles,
35 rubber materials, and mulch, are encouraged to report the amount
36 of materials they recycle to the county annually beginning
37 January 1, 2011, using the department's designated reporting
38 format. Using the information provided, the department shall
39 recognize those private businesses that demonstrate outstanding
40 recycling efforts. Private businesses that do not report
41 recycling rates to the department shall be recorded as having a
42 zero percent recycling rate. Notwithstanding any other provision



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43 of state or county law, private businesses, other than certified
44 recovered materials dealers, shall not be required to report
45 recycling rates. Cities with less than a population of 2,500 and
46 per capita taxable value less than \$4,800 and cities with a per
47 capita taxable value less than \$30,000 are exempt from the
48 reporting requirement specified in this paragraph.

49 (4)-(3) The Department of Environmental Protection shall
50 develop a comprehensive recycling program that is designed to
51 achieve the percentage under subsection (2) and submit the
52 program to the President of the Senate and the Speaker of the
53 House of Representatives by January 1, 2010. The program may not
54 be implemented until approved by the Legislature. The program
55 must be developed in coordination with input from state and
56 local entities, private businesses, and the public. Under the
57 program, recyclable materials shall include, but are not limited
58 to, metals, paper, glass, plastic, textile, rubber materials,
59 and mulch. Components of the program shall include, but are not
60 limited to:

61 (a) Programs to identify environmentally preferable
62 purchasing practices to encourage the purchase of recycled,
63 durable, and less toxic goods. The Department of Management
64 Services shall modify its procurement system to report on green
65 and recycled products purchased through the system by September
66 30, 2011.

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

69 (c) Programs for statewide recognition of successful
70 recycling efforts by schools, businesses, public groups, and
71 private citizens.



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72 (d) Programs for municipalities and counties to develop and
73 implement efficient recycling efforts to return valuable
74 materials to productive use, conserve energy, and protect
75 natural resources.

76 (e) Programs by which the department can provide technical
77 assistance to municipalities and counties in support of their
78 recycling efforts.

79 (f) Programs to educate and train the public in proper
80 recycling efforts.

81 (g) Evaluation of how financial assistance can best be
82 provided to municipalities and counties in support of their
83 recycling efforts.

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

86 (5) The department shall create the Recycling Business
87 Assistance Center by December 1, 2010. In carrying out its
88 duties under this subsection, the department shall consult with
89 state agency personnel appointed to serve as economic
90 development liaisons under s. 288.021 and seek technical
91 assistance from Enterprise Florida, Inc., to ensure the
92 Recycling Business Assistance Center is positioned to succeed.
93 The purpose of the center shall be to serve as the mechanism for
94 coordination among state agencies and the private sector in
95 order to coordinate policy and overall strategic planning for
96 developing new markets and expanding and enhancing existing
97 markets for recyclable materials in this state, other states,
98 and foreign countries. The duties of the center shall include,
99 at a minimum:

100 (a) Identifying and developing new markets and expanding



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101 and enhancing existing markets for recyclable materials;

102 (b) Pursuing expanded end uses for recycled materials;

103 (c) Targeting materials for concentrated market-development
104 efforts;

105 (d) Developing proposals for new incentives for market
106 development, particularly focusing on targeted materials;

107 (e) Providing guidance on issues such as permitting,
108 finance options for recycling market development, site location,
109 research and development, grant program criteria for recycled
110 materials markets, recycling markets education and information,
111 and minimum content;

112 (f) Coordinating the efforts of various governmental
113 entities having market-development responsibilities in order to
114 optimize supply and demand for recyclable materials;

115 (g) Evaluating source-reduced products as they relate to
116 state procurement policy. The evaluation shall include, but is
117 not limited to, the environmental and economic impact of source-
118 reduced product purchases to the state. For the purposes of this
119 paragraph, the term "source-reduced" means any method, process,
120 product, or technology that significantly or substantially
121 reduces the volume or weight of a product while providing, at a
122 minimum, equivalent or generally similar performance and service
123 to and for the users of such materials;

124 (h) Providing evaluation of solid waste management grants,
125 pursuant to s. 403.7095, to reduce the flow of solid waste to
126 disposal facilities and encourage the sustainable recovery of
127 materials from Florida's waste stream;

128 (i) Providing below-market financing for companies that
129 manufacture products from recycled materials or convert



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130 recyclable materials into raw materials for use in
131 manufacturing, pursuant to the Florida Recycling Loan Program as
132 administered by the Florida First Capital Finance Corporation;

133 (j) Maintaining a continuously updated online directory,
134 listing the public and private entities that collect, transport,
135 broker, process, or remanufacture recyclable materials in the
136 state;

137 (k) Providing information on the availability and benefits
138 of using recycled materials to private entities and industries
139 in the state;

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

143 (m) Coordinating with the Agency for Workforce Innovation
144 and its partners to provide job placement and job training
145 services to job seekers through the state's workforce services
146 programs.

147 Section 3. Subsection (9) is added to section 288.9015,
148 Florida Statutes, to read:

149 288.9015 Enterprise Florida, Inc.; purpose; duties.—

150 (9) Enterprise Florida, Inc., shall provide technical
151 assistance to the Department of Environmental Protection in the
152 creation of the Recycling Business Assistance Center pursuant to
153 s. 403.7032(5). As the state's primary organization devoted to
154 statewide economic development, Enterprise Florida, Inc., is
155 encouraged to cooperate with the Department of Environmental
156 Protection to ensure that the Recycling Business Assistance
157 Center is positioned to succeed in helping to enhance and expand
158 existing markets for recyclable materials in Florida, other



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159 states, and foreign countries.

160 Section 4. Subsection (1) of section 403.7046, Florida
161 Statutes, is amended to read:

162 403.7046 Regulation of recovered materials.-

163 (1) Any person who handles, purchases, receives, recovers,
164 sells, or is an end user of recovered materials shall annually
165 certify to the department on forms provided by the department.
166 The department may by rule exempt from this requirement
167 generators of recovered materials; persons who handle or sell
168 recovered materials as an activity which is incidental to the
169 normal primary business activities of that person; or persons
170 who handle, purchase, receive, recover, sell, or are end users
171 of recovered materials in small quantities as defined by the
172 department. The department shall adopt rules for the
173 certification of and reporting by such persons and shall
174 establish criteria for revocation of such certification. ~~Prior~~
175 ~~to the adoption of such rules, the department shall appoint a~~
176 ~~technical advisory committee of no more than nine persons,~~
177 ~~including, at a minimum, representatives of the Florida~~
178 ~~Association of Counties, the Florida League of Cities, the~~
179 ~~Florida Recyclers Association, and the Florida Chapter of the~~
180 ~~National Solid Waste Management Association, to aid in the~~
181 ~~development of such rules.~~ Such rules shall be designed to
182 elicit, at a minimum, the amount and types of recovered
183 materials handled by registrants, and the amount and disposal
184 site, or name of person with whom such disposal was arranged, of
185 any solid waste generated by such facility. By February 1 of
186 each year, registrants shall report all required information to
187 the department and to all counties from which it received



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188 materials. Such rules may provide for the department to conduct
189 periodic inspections. The department may charge a fee of up to
190 \$50 for each registration, which shall be deposited into the
191 Solid Waste Management Trust Fund for implementation of the
192 program.

193 Section 5. Paragraph (c) of subsection (2) and subsection
194 (3) of section 403.705, Florida Statutes, are amended to read:

195 403.705 State solid waste management program.—

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

198 (c) Planning guidelines and technical assistance to
199 counties and municipalities to aid in meeting the municipal
200 solid waste recycling reduction goals established in s.
201 403.706(2) s. 403.706(4).

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

206 Section 6. Subsections (2), (6), (4), (7), and (21) of
207 section 403.706, Florida Statutes, are amended to read:

208 403.706 Local government solid waste responsibilities.—

209 (2)(a) Each county shall implement a recyclable materials
210 recycling program that shall have a goal of recycling solid
211 waste by 40 percent by December 31, 2012, 50 percent by December
212 31, 2014, 60 percent by December 31, 2016, 70 percent by
213 December 31, 2018, and 75 percent by December 31, 2020. Counties
214 and municipalities are encouraged to form cooperative
215 arrangements for implementing recycling programs.

216 (b) In order to assist in attaining the goals provided in



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217 this paragraph (a), the Legislature finds that the recycling of
218 construction and demolition debris is in the state's interest.
219 Each county shall implement a program that shall have a goal of
220 reducing construction and demolition debris disposed of in
221 landfills by 40 percent by December 31, 2012, 50 percent by
222 December 31, 2014, 60 percent by December 31, 2016, 70 percent
223 by December 31, 2018, and 75 percent by December 31, 2020.

224 (c) Newly developed property receiving a building permit or
225 its functional equivalent on or after January 1, 2011, which is
226 used for multifamily residential purposes or for commercial
227 purposes, must provide adequate space and an adequate receptacle
228 for recycling by the tenant or owner of the property. This
229 provision is limited to counties and cities that have an
230 established commercial recycling program which provides
231 recycling receptacles to multifamily residential properties and
232 commercial properties and also provides regular pick-up service
233 for those receptacles.

234 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,
235 the county, as determined by the department in accordance with
236 applicable rules, has not reached the recycling goals provided
237 in paragraph (a), the department may direct the county to
238 develop a plan to expand recycling programs to existing
239 commercial and multifamily dwellings, including, but not limited
240 to, apartment complexes.

241 (e) If the state's recycling rate for the 2013 calendar
242 year is below 40 percent, or below 50 percent by January 1,
243 2015, or below 60 percent by January 1, 2017, or below 70
244 percent by January 1, 2019, or below 75 percent by January 1,
245 2021, the department shall provide a report to the Legislature.



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246 The report shall identify those additional programs or statutory
247 changes needed to achieve the goals provided in this subsection.

248 The report shall be provided no later than 30 days prior to the
249 Regular Session of the Legislature. If the state reaches its
250 recycling goals as described in this paragraph, the department
251 shall not provide a report to the Legislature.

252 (f) ~~(b)~~ Such programs shall be designed to recover a
253 significant portion of at least four of the following materials
254 from the solid waste stream prior to final disposal at a solid
255 waste disposal facility and to offer these materials for
256 recycling: newspaper, aluminum cans, steel cans, glass, plastic
257 bottles, cardboard, office paper, and yard trash. Local
258 governments which operate permitted waste-to-energy facilities
259 may retrieve ferrous and nonferrous metal as a byproduct of
260 combustion.

261 (g) ~~(e)~~ Local governments are encouraged to separate all
262 plastics, metal, and all grades of paper for recycling prior to
263 final disposal and are further encouraged to recycle yard trash
264 and other mechanically treated solid waste into compost
265 available for agricultural and other acceptable uses.

266 (h) The department shall adopt rules establishing the
267 method and criteria to be used by a county in calculating the
268 recycling rates pursuant to this subsection.

269 ~~(d) By July 1, 2010, each county shall develop and~~
270 ~~implement a plan to achieve a goal to compost organic materials~~
271 ~~that would otherwise be disposed of in a landfill. The goal~~
272 ~~shall provide that up to 10 percent and no less than 5 percent~~
273 ~~of organic material would be composted within the county and the~~
274 ~~municipalities within its boundaries. The department may reduce~~



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275 ~~or modify the compost goal if the county demonstrates to the~~
276 ~~department that achievement of the goal would be impractical~~
277 ~~given the county's unique demographic, urban density, or~~
278 ~~inability to separate normally compostable material from the~~
279 ~~solid waste stream. The composting plan is encouraged to address~~
280 ~~partnership with the private sector.~~

281 (i) ~~(e)~~ Each county is encouraged to consider plans for
282 composting or mulching organic materials that would otherwise be
283 disposed of in a landfill. The composting or mulching plans are
284 encouraged to address partnership with the private sector.

285 ~~(4) (a) A county's solid waste management and recycling~~
286 ~~programs shall be designed to provide for sufficient reduction~~
287 ~~of the amount of solid waste generated within the county and the~~
288 ~~municipalities within its boundaries in order to meet goals for~~
289 ~~the reduction of municipal solid waste prior to the final~~
290 ~~disposal or the incineration of such waste at a solid waste~~
291 ~~disposal facility. The goals shall provide, at a minimum, that~~
292 ~~the amount of municipal solid waste that would be disposed of~~
293 ~~within the county and the municipalities within its boundaries~~
294 ~~is reduced by at least 30 percent.~~

295 (a) ~~(b)~~ A county may receive credit for one-half of the
296 recycling goal in subsection (2) ~~for waste reduction~~ from the
297 use of yard trash, or other clean wood waste or paper waste, in
298 innovative programs including, but not limited to, programs that
299 produce alternative clean-burning fuels such as ethanol or that
300 provide for the conversion of yard trash or other clean wood
301 waste or paper waste to clean-burning fuel for the production of
302 energy for use at facilities other than a waste-to-energy
303 facility as defined in s. 403.7061. The provisions of this



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304 paragraph apply only if a county can demonstrate that:

305 1. The county has implemented a yard trash mulching or
306 composting program, and

307 2. As part of the program, compost and mulch made from yard
308 trash is available to the general public and in use at county-
309 owned or maintained and municipally owned or maintained
310 facilities in the county and state agencies operating in the
311 county as required by this section.

312 (b)~~(c)~~ A county with a population of 100,000 or less may
313 provide its residents with the opportunity to recycle in lieu of
314 achieving the goal set forth in this section ~~paragraph (a)~~. For
315 the purposes of this section subsection, the "opportunity to
316 recycle" means that the county:

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

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

322 2. Provides a public education and promotion program that
323 is conducted to inform its residents of the opportunity to
324 recycle, encourages source separation of recyclable materials,
325 and promotes the benefits of reducing, reusing, recycling, and
326 composting materials.

327 (6) The department may reduce or modify the municipal solid
328 waste recycling reduction goal that a county is required to
329 achieve pursuant to subsection (2) ~~(4)~~ if the county
330 demonstrates to the department that:

331 (a) The achievement of the goal set forth in subsection (2)
332 ~~(4)~~ would have an adverse effect on the financial obligations of



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333 a county or a city that are directly related to a waste-to-
334 energy facility owned or operated by or on behalf of the county
335 or the city; and

336 (b) The county or the city cannot remove normally
337 combustible materials from solid waste that is to be processed
338 at a waste-to-energy facility because of the need to maintain a
339 sufficient amount of solid waste to ensure the financial
340 viability of the facility.

341
342 The goal shall not be waived entirely and may only be
343 reduced or modified to the extent necessary to alleviate the
344 adverse effects of achieving the goal on the financial viability
345 of a county's waste-to-energy facility. Nothing in this
346 subsection shall exempt a county from developing and
347 implementing a recycling program pursuant to this act.

348 (7) In order to assess the progress in meeting the goal
349 established in subsection (2) ~~(4)~~, each county shall, by April 1
350 ~~November~~ each year, provide information to the department
351 regarding its annual solid waste management program and
352 recycling activities. The information by the county must, at a
353 minimum, include:

354 (a) The amount of municipal solid waste disposed of at
355 solid waste disposal facilities, by type of waste such as yard
356 trash, white goods, clean debris, tires, and unseparated solid
357 waste;

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

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



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362 (d) Beginning with the data for the 2012 calendar year, the
363 department shall annually, by July 1, post on its website the
364 recycling rates of each county for the prior calendar year.

365 (21) Local governments are authorized to enact ordinances
366 that require and direct all residential properties, multifamily
367 dwelling, and apartment complexes and industrial, commercial,
368 and institutional establishments as defined by the local
369 government to establish programs for the separation of
370 recyclable materials designated by the local government, which
371 recyclable materials are specifically intended for purposes of
372 recycling and for which a market exists, and to provide for
373 their collection. Such ordinances may include, but are not
374 limited to, provisions that prohibit any person from knowingly
375 disposing of recyclable materials designated by the local
376 government and that ensure the collection of recovered materials
377 as necessary to protect public health and safety.

378 Section 7. Paragraph (c) of subsection (3) of section
379 403.7061, Florida Statutes, is amended to read:

380 403.7061 Requirements for review of new waste-to-energy
381 facility capacity by the Department of Environmental
382 Protection.—

383 (3) An applicant must provide reasonable assurance that the
384 construction of a new waste-to-energy facility or the expansion
385 of an existing waste-to-energy facility will comply with the
386 following criteria:

387 (c) The county in which the facility is located has
388 implemented and maintains a solid waste management and recycling
389 program that is designed to achieve the waste reduction goal set
390 forth in s. 403.706(4). For the purposes of this section, the



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391 provisions of s. 403.706(4)(c) for counties having populations
392 of 100,000 or fewer do not apply.

393 Section 8. Subsection (9) of section 403.707, Florida
394 Statutes, is amended to read:

395 403.707 Permits.—

396 (9) The department shall establish a separate category for
397 solid waste management facilities that accept only construction
398 and demolition debris for disposal or recycling. The department
399 shall establish a reasonable schedule for existing facilities to
400 comply with this section to avoid undue hardship to such
401 facilities. However, a permitted solid waste disposal unit that
402 receives a significant amount of waste prior to the compliance
403 deadline established in this schedule shall not be required to
404 be retrofitted with liners or leachate control systems.

405 (a) The department shall establish reasonable construction,
406 operation, monitoring, recordkeeping, financial assurance, and
407 closure requirements for such facilities. The department shall
408 take into account the nature of the waste accepted at various
409 facilities when establishing these requirements, and may impose
410 less stringent requirements, including a system of general
411 permits or registration requirements, for facilities that accept
412 only a segregated waste stream which is expected to pose a
413 minimal risk to the environment and public health, such as clean
414 debris. The Legislature recognizes that incidental amounts of
415 other types of solid waste are commonly generated at
416 construction or demolition projects. In any enforcement action
417 taken pursuant to this section, the department shall consider
418 the difficulty of removing these incidental amounts from the
419 waste stream.



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420 (b) The department shall ~~not~~ require liners and leachate
421 collection systems at individual disposal units and lateral
422 expansions of existing disposal units that have not received a
423 department permit authorizing construction or operation prior to
424 July 1, 2010, facilities unless the owner or operator ~~it~~
425 demonstrates, based upon the types of waste received, the
426 methods for controlling types of waste disposed of, the
427 proximity of groundwater and surface water, and the results of
428 the hydrogeological and geotechnical investigations, that the
429 facility is ~~reasonably~~ expected to result in violations of
430 groundwater standards and criteria if built without a liner
431 ~~otherwise~~.

432 (c) The owner or operator shall provide financial assurance
433 for closing of the facility in accordance with the requirements
434 of s. 403.7125. The financial assurance shall cover the cost of
435 closing the facility and 5 years of long-term care after
436 closing, unless the department determines, based upon
437 hydrogeologic conditions, the types of wastes received, or the
438 groundwater monitoring results, that a different long-term care
439 period is appropriate. However, unless the owner or operator of
440 the facility is a local government, the escrow account described
441 in s. 403.7125(2) may not be used as a financial assurance
442 mechanism.

443 (d) The department shall establish training requirements
444 for operators of facilities, and shall work with the State
445 University System or other providers to assure that adequate
446 training courses are available. The department shall also assist
447 the Florida Home Builders Association in establishing a
448 component of its continuing education program to address proper



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449 handling of construction and demolition debris, including best
450 management practices for reducing contamination of the
451 construction and demolition debris waste stream.

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

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

459 (g) By January 1, 2012, the amount of construction and
460 demolition debris processed and recycled prior to disposal at a
461 permitted materials recovery facility or at any other permitted
462 disposal facility shall be reported by the county of origin to
463 the department and to the county on an annual basis in
464 accordance with rules adopted by the department. The rules shall
465 establish criteria to insure accurate and consistent reporting
466 for purposes of determining the recycling rate in s. 403.706.
467 The rules also shall provide that, to the extent economically
468 feasible, all construction and demolition debris must be
469 processed prior to disposal, either at a permitted waste
470 processing facility or a permitted disposal facility. This
471 requirement does not apply to any recovered materials that have
472 been source separated and offered for recycling or to materials
473 that have been previously processed. It is the policy of the
474 ~~Legislature to encourage facilities to recycle. The department~~
475 ~~shall establish criteria and guidelines that encourage recycling~~
476 ~~where practical and provide for the use of recycled materials in~~
477 ~~a manner that protects the public health and the environment.~~



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478 ~~Facilities are authorized to recycle, provided such activities~~
479 ~~do not conflict with such criteria and guidelines.~~

480 (h) The department shall ensure that the requirements of
481 this section are applied and interpreted consistently throughout
482 the state. In accordance with s. 20.255, the Division of Waste
483 Management shall direct the district offices and bureaus on
484 matters relating to the interpretation and applicability of this
485 section.

486 (i) The department shall provide notice of receipt of a
487 permit application for the initial construction of a
488 construction and demolition debris disposal facility to the
489 local governments having jurisdiction where the facility is to
490 be located.

491 (j) The Legislature recognizes that recycling, waste
492 reduction, and resource recovery are important aspects of an
493 integrated solid waste management program and as such are
494 necessary to protect the public health and the environment. If
495 necessary to promote such an integrated program, the county may
496 determine, after providing notice and an opportunity for a
497 hearing prior to April 30, 2008, that some or all of the
498 material described in s. 403.703(6)(b) shall be excluded from
499 the definition of "construction and demolition debris" in s.
500 403.703(6) within the jurisdiction of such county. The county
501 may make such a determination only if it finds that, prior to
502 June 1, 2007, the county has established an adequate method for
503 the use or recycling of such wood material at an existing or
504 proposed solid waste management facility that is permitted or
505 authorized by the department on June 1, 2007. The county is not
506 required to hold a hearing if the county represents that it



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507 previously has held a hearing for such purpose, or if the county
508 represents that it previously has held a public meeting or
509 hearing that authorized such method for the use or recycling of
510 trash or other nonputrescible waste materials and that such
511 materials include those materials described in s. 403.703(6)(b).
512 The county shall provide written notice of its determination to
513 the department by no later than April 30, 2008; thereafter, the
514 materials described in s. 403.703(6) shall be excluded from the
515 definition of "construction and demolition debris" in s.
516 403.703(6) within the jurisdiction of such county. The county
517 may withdraw or revoke its determination at any time by
518 providing written notice to the department.

519 (k) Brazilian pepper and other invasive exotic plant
520 species as designated by the department resulting from
521 eradication projects may be processed at permitted construction
522 and demolition debris recycling facilities or disposed of at
523 permitted construction and demolition debris disposal facilities
524 or Class III facilities. The department may adopt rules to
525 implement this paragraph.

526 Section 9. Section 403.7095, Florida Statutes, is amended
527 to read:

528 403.7095 Solid waste management grant program.—

529 ~~(1) The department shall develop a competitive and~~
530 ~~innovative grant program for counties, municipalities, special~~
531 ~~districts, and nonprofit organizations that have legal~~
532 ~~responsibility for the provision of solid waste management~~
533 ~~services. For purposes of this program, "innovative" means that~~
534 ~~the process, technology, or activity for which funding is sought~~
535 ~~has not previously been implemented within the jurisdiction of~~



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536 ~~the applicant. The applicant must:~~

537 ~~(a) Demonstrate technologies or processes that represent a~~
538 ~~novel application of an existing technology or process to~~
539 ~~recycle or reduce waste, or that overcome obstacles to recycling~~
540 ~~or waste reduction in new or innovative ways;~~

541 ~~(b) Demonstrate innovative processes to collect and recycle~~
542 ~~or reduce materials targeted by the department and the recycling~~
543 ~~industry; or~~

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

548
549 ~~Because the Legislature recognizes that input from the~~
550 ~~recycling industry is essential to the success of this grant~~
551 ~~program, the department shall cooperate with private sector~~
552 ~~entities to develop a process and define specific criteria for~~
553 ~~allowing their participation with grant recipients.~~

554 ~~(2) The department shall evaluate and prioritize the annual~~
555 ~~grant proposals and present the annual prioritized list of~~
556 ~~projects to be funded to the Governor and the Legislature as~~
557 ~~part of its annual budget request submitted pursuant to chapter~~
558 ~~216. Potential grant recipients are encouraged to demonstrate~~
559 ~~local support for grant proposals by the commitment of cash or~~
560 ~~in-kind matching funds.~~

561 ~~(1)~~(3) The department shall develop a consolidated grant
562 program for small counties having populations fewer than
563 100,000, with grants to be distributed equally among eligible
564 counties. Programs to be supported with the small-county



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565 consolidated grants include general solid waste management,
566 litter prevention and control, and recycling and education
567 programs.

568 ~~(2)~~(4) The department shall develop a waste tire grant
569 program making grants available to all counties. The department
570 shall ensure that at least 25 percent of the funding available
571 for waste tire grants is distributed equally to each county
572 having a population fewer than 100,000. Of the remaining funds
573 distributed to counties having a population of 100,000 or
574 greater, the department shall distribute those funds on the
575 basis of population.

576 ~~(3)~~(5) From the funds made available pursuant to s.
577 403.709(1)(e) for the grant program created by this section, the
578 following distributions shall be made:

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

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

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

585 ~~(4)~~(6) The department may adopt rules necessary to
586 administer this section, including, but not limited to, rules
587 governing timeframes for submitting grant applications, criteria
588 for prioritizing, matching criteria, maximum grant amounts, and
589 allocation of appropriated funds based upon project and
590 applicant size.

591 ~~(7) Notwithstanding any provision of this section to the~~
592 ~~contrary, and for the 2009-2010 fiscal year only, the Department~~
593 ~~of Environmental Protection shall award the sum of \$2,600,000 in~~



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594 ~~grants equally to counties having populations of fewer than~~
595 ~~100,000 for waste tire and litter prevention, recycling~~
596 ~~education, and general solid waste programs. This subsection~~
597 ~~expires July 1, 2010.~~

598 ~~(8) (a) Notwithstanding any provision of this section to the~~
599 ~~contrary, and for the 2008-2009 fiscal year only, the Department~~
600 ~~of Environmental Protection shall award:~~

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

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

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

608 Section 10. Subsection (1) of section 403.7145, Florida
609 Statutes, is amended, and subsections (3) and (4) are added to
610 that section, to read:

611 403.7145 Recycling.—

612 (1) The Capitol and the House and Senate office buildings
613 constitute the Capitol recycling area. The Florida House of
614 Representatives, the Florida Senate, and the Office of the
615 Governor, the Secretary of State, and each Cabinet officer who
616 heads a department that occupies office space in the Capitol,
617 shall institute a recycling program for their respective offices
618 in the House and Senate office buildings and the Capitol.
619 Provisions shall be made to collect and sell wastepaper and
620 empty aluminum beverage containers cans generated by employee
621 activities in these offices. The collection and sale of such
622 materials shall be reported to Leon County using the



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623 department's designated reporting format and coordinated with
624 Department of Management Services recycling activities to
625 maximize the efficiency and economy of this program. The
626 Governor, the Speaker of the House of Representatives, the
627 President of the Senate, the Secretary of State, and the Cabinet
628 officers may authorize the use of proceeds from recyclable
629 material sales for employee benefits and other purposes, in
630 order to provide incentives to their respective employees for
631 participation in the recycling program. Such proceeds may also
632 be used to offset any costs of the recycling program. As a
633 demonstration of leading by example, the Capitol Building's
634 recycling rates shall be posted on the website of the Department
635 of Management Services and shall include the details of the
636 recycling rates for each Department of Management Services pool
637 facility. The Department of Environmental Protection shall post
638 recycling rates of each state-owned facility reported to the
639 Department of Management Services.

640 (3) The department shall develop and contract for an
641 innovative recycling pilot project for the Capitol recycling
642 area. The project shall be designed to collect recyclable
643 materials and create a more sustainable recycling system.
644 Components of the project shall be designed to increase
645 convenience, incentivize and measure participation, reduce
646 material volume, and assist in achieving the recycling goals
647 enumerated in s. 403.706.

648 (4) Each public airport operating in this state shall, to
649 the greatest extent practicable, collect aluminum beverage cans
650 and recyclable plastic and glass from the airlines and other
651 entities doing business at the airport and offer such materials



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652 for recycling and may retain the economic benefit of these
653 activities to offset the costs associated with such collection.
654 Airport administration offices, airport vendors, and airlines
655 are encouraged to coordinate the collection of recyclable waste
656 to the greatest extent practicable. The provisions of this
657 subsection are not intended to interfere with any established
658 recycling activity.

659 Section 11. Paragraph (m) is added to subsection (1) of
660 section 553.77, Florida Statutes, to read:

661 553.77 Specific powers of the commission.—

662 (1) The commission shall:

663 (m) Develop recommendations that increase residential and
664 commercial recycling and composting, and strongly encourages the
665 use of recyclable materials and the recycling of construction
666 and demolition debris.

667 Section 12. Subsection (5) of section 403.7049, Florida
668 Statutes, is amended to read:

669 403.7049 Determination of full cost for solid waste
670 management; local solid waste management fees.—

671 (5) In order to assist in achieving the municipal solid
672 waste recycling reduction goal and the recycling provisions of
673 s. 403.706(2) s. ~~403.706(4)~~, a county or a municipality which
674 owns or operates a solid waste management facility is hereby
675 authorized to charge solid waste disposal fees which may vary
676 based on a number of factors, including, but not limited to, the
677 amount, characteristics, and form of recyclable materials
678 present in the solid waste that is brought to the county's or
679 the municipality's facility for processing or disposal.

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681 ===== T I T L E A M E N D M E N T =====

682 And the title is amended as follows:

683 Delete lines 45 - 49

684 and insert:

685 for the separation of recyclable materials; requiring
686 liners