

By the Committees on Community Affairs; and Environmental Preservation and Conservation; and Senator Constantine

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1 A bill to be entitled
2 An act relating to environmental protection; amending
3 s. 403.44, F.S.; revising the greenhouse gas reporting
4 requirement for major emitters; deleting a requirement
5 for the Department of Environmental Protection to take
6 certain actions related to the reporting requirement;
7 amending s. 403.7032, F.S.; requiring all public
8 entities and those entities occupying buildings
9 managed by the Department of Management Services to
10 report recycling data to the county using the format
11 designated by the Department of Environmental
12 Protection; providing an exemption; encouraging
13 certain private entities to report the disposal of
14 recyclable materials; requiring the Department of
15 Management Services to report on green and recycled
16 products purchased through its procurement system;
17 directing the Department of Environmental Protection
18 to create the Recycling Business Assistance Center;
19 providing requirements for the center; amending s.
20 288.9015, F.S.; requiring Enterprise Florida, Inc., to
21 provide technical assistance to the Department of
22 Environmental Protection in the creation of the
23 Recycling Business Assistance Center; amending s.
24 403.7046, F.S.; deleting a requirement that the
25 Department of Environmental Protection appoint a
26 technical advisory committee; clarifying reporting
27 requirements; amending s. 403.705, F.S.; conforming a
28 cross-reference; requiring that the department report
29 biennially to the Legislature on the state's success

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30 in meeting solid waste reduction goals; amending s.
31 403.706, F.S.; revising requirements for the
32 implementation of recyclable materials recycling
33 programs by counties; providing legislative intent;
34 providing authority for the Department of
35 Environmental Protection to require a plan under
36 certain conditions; requiring a report to the
37 Legislature by the Department of Environmental
38 Protection if recycling benchmarks are not met;
39 requiring the department to adopt rules; eliminating a
40 requirement that counties develop composting goals;
41 encouraging counties to develop composting plans;
42 providing deadlines for the reporting of recycling
43 data; revising requirements for the enactment of
44 ordinances by local governments relating to programs
45 for the separation of recyclable materials; amending
46 s. 403.7061, F.S.; revising requirements for review of
47 new waste-to-energy facility capacity by the
48 Department of Environmental Protection; clarifying an
49 exemption; amending s. 403.707, F.S.; requiring liners
50 for new construction and demolition debris landfills;
51 providing reporting requirements for certain
52 construction and demolition debris; requiring the
53 department to adopt rules; providing rule
54 requirements; providing an exemption; amending s.
55 403.7095, F.S.; deleting application requirements for
56 the solid waste management program; deleting a
57 requirement for the Department of Environmental
58 Protection to evaluate and prioritize proposals for

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59 inclusion in its annual budget request; amending s.
60 403.7145, F.S.; revising recycling requirements for
61 state buildings; providing for a pilot project;
62 requiring each public airport in the state to collect
63 aluminum beverage cans and recyclable plastic and
64 glass from the entities doing business at the airport
65 and to offer such materials for recycling; amending s.
66 553.77, F.S.; authorizing the Florida Building
67 Commission to develop recommendations for recycling
68 and composting; amending s. 403.7049, F.S.; conforming
69 a cross-reference; repealing s. 288.1185, F.S.,
70 relating to the Recycling Markets Advisory Committee;
71 providing an effective date.

72
73 Be It Enacted by the Legislature of the State of Florida:

74
75 Section 1. Section 403.44, Florida Statutes, is amended to
76 read:

77 403.44 Florida Climate Protection Act.—

78 ~~(3) A major emitter shall be required to use The Climate~~
79 ~~Registry for purposes of emission registration and reporting.~~

80 ~~(4) The department shall establish the methodologies,~~
81 ~~reporting periods, and reporting systems that shall be used when~~
82 ~~major emitters report to The Climate Registry. The department~~
83 ~~may require the use of quality-assured data from continuous~~
84 ~~emissions monitoring systems.~~

85 (3)~~(5)~~ The department may adopt rules for a cap-and-trade
86 regulatory program to reduce greenhouse gas emissions from major
87 emitters. When developing the rules, the department shall

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88 consult with the Florida Energy and Climate Commission and the
89 Florida Public Service Commission and may consult with the
90 Governor's Action Team for Energy and Climate Change. The
91 department shall not adopt rules until after January 1, 2010.
92 The rules shall not become effective until ratified by the
93 Legislature.

94 (4)~~(6)~~ The rules of the cap-and-trade regulatory program
95 shall include, but are not limited to:

96 (a) A statewide limit or cap on the amount of greenhouse
97 gases emitted by major emitters.

98 (b) Methods, requirements, and conditions for allocating
99 the cap among major emitters.

100 (c) Methods, requirements, and conditions for emissions
101 allowances and the process for issuing emissions allowances.

102 (d) The relationship between allowances and the specific
103 amounts of greenhouse gas emissions they represent.

104 (e) The length of allowance periods and the time over which
105 entities must account for emissions and surrender allowances
106 equal to emissions.

107 (f) The timeline of allowances from the initiation of the
108 program through to 2050.

109 (g) A process for the trade of allowances between major
110 emitters, including a registry, tracking, or accounting system
111 for such trades.

112 (h) Cost containment mechanisms to reduce price and cost
113 risks associated with the electric generation market in this
114 state. Cost containment mechanisms to be considered for
115 inclusion in the rules include, but are not limited to:

116 1. Allowing major emitters to borrow allowances from future

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117 time periods to meet their greenhouse gas emission limits.

118 2. Allowing major emitters to bank greenhouse gas emission
119 reductions in the current year to be used to meet emission
120 limits in future years.

121 3. Allowing major emitters to purchase emissions offsets
122 from other entities that produce verifiable reductions in
123 unregulated greenhouse gas emissions or that produce verifiable
124 reductions in greenhouse gas emissions through voluntary
125 practices that capture and store greenhouse gases that otherwise
126 would be released into the atmosphere. In considering this cost
127 containment mechanism, the department shall identify sectors and
128 activities outside of the capped sectors, including other state,
129 federal, or international activities, and the conditions under
130 which reductions there can be credited against emissions of
131 capped entities in place of allowances issued by the department.
132 The department shall also consider potential methods and their
133 effectiveness to avoid double-incentivizing such activities.

134 4. Providing a safety valve mechanism to ensure that the
135 market prices for allowances or offsets do not surpass a
136 predetermined level compatible with the affordability of
137 electric utility rates and the well-being of the state's
138 economy. In considering this cost containment mechanism, the
139 department shall evaluate different price levels for the safety
140 valve and methods to change the price level over time to reflect
141 changing state, federal, and international markets, regulatory
142 environments, and technological advancements.

143
144 In considering cost containment mechanisms for inclusion in the
145 rules, the department shall evaluate the anticipated overall

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146 effect of each mechanism on the abatement of greenhouse gas
147 emissions and on electricity ratepayers and the benefits and
148 costs of each to the state's economy, and shall also consider
149 the interrelationships between the mechanisms under
150 consideration.

151 (i) A process to allow the department to exercise its
152 authority to discourage leakage of GHG emissions to neighboring
153 states attributable to the implementation of this program.

154 (j) Provisions for a trial period on the trading of
155 allowances before full implementation of a trading system.

156 (5)~~(7)~~ In recommending and evaluating proposed features of
157 the cap-and-trade system, the following factors shall be
158 considered:

159 (a) The overall cost-effectiveness of the cap-and-trade
160 system in combination with other policies and measures in
161 meeting statewide targets.

162 (b) Minimizing the administrative burden to the state of
163 implementing, monitoring, and enforcing the program.

164 (c) Minimizing the administrative burden on entities
165 covered under the cap.

166 (d) The impacts on electricity prices for consumers.

167 (e) The specific benefits to the state's economy for early
168 adoption of a cap-and-trade system for greenhouse gases in the
169 context of federal climate change legislation and the
170 development of new international compacts.

171 (f) The specific benefits to the state's economy associated
172 with the creation and sale of emissions offsets from economic
173 sectors outside of the emissions cap.

174 (g) The potential effects on leakage if economic activity

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175 relocates out of the state.

176 (h) The effectiveness of the combination of measures in
177 meeting identified targets.

178 (i) The implications for near-term periods of long-term
179 targets specified in the overall policy.

180 (j) The overall costs and benefits of a cap-and-trade
181 system to the state economy.

182 (k) How to moderate impacts on low-income consumers that
183 result from energy price increases.

184 (l) Consistency of the program with other state and
185 possible federal efforts.

186 (m) The feasibility and cost-effectiveness of extending the
187 program scope as broadly as possible among emitting activities
188 and sinks in Florida.

189 (n) Evaluation of the conditions under which Florida should
190 consider linking its trading system to the systems of other
191 states or other countries and how that might be affected by the
192 potential inclusion in the rule of a safety valve.

193 (6)~~(8)~~ Recognizing that the international, national, and
194 neighboring state policies and the science of climate change
195 will evolve, prior to submitting the proposed rules to the
196 Legislature for consideration, the department shall submit the
197 proposed rules to the Florida Energy and Climate Commission,
198 which shall review the proposed rules and submit a report to the
199 Governor, the President of the Senate, the Speaker of the House
200 of Representatives, and the department. The report shall
201 address:

202 (a) The overall cost-effectiveness of the proposed cap-and-
203 trade system in combination with other policies and measures in

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204 meeting statewide targets.

205 (b) The administrative burden to the state of implementing,
206 monitoring, and enforcing the program.

207 (c) The administrative burden on entities covered under the
208 cap.

209 (d) The impacts on electricity prices for consumers.

210 (e) The specific benefits to the state's economy for early
211 adoption of a cap-and-trade system for greenhouse gases in the
212 context of federal climate change legislation and the
213 development of new international compacts.

214 (f) The specific benefits to the state's economy associated
215 with the creation and sale of emissions offsets from economic
216 sectors outside of the emissions cap.

217 (g) The potential effects on leakage if economic activity
218 relocates out of the state.

219 (h) The effectiveness of the combination of measures in
220 meeting identified targets.

221 (i) The economic implications for near-term periods of
222 short-term and long-term targets specified in the overall
223 policy.

224 (j) The overall costs and benefits of a cap-and-trade
225 system to the economy of the state.

226 (k) The impacts on low-income consumers that result from
227 energy price increases.

228 (l) The consistency of the program with other state and
229 possible federal efforts.

230 (m) The evaluation of the conditions under which the state
231 should consider linking its trading system to the systems of
232 other states or other countries and how that might be affected

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233 by the potential inclusion in the rule of a safety valve.

234 (n) The timing and changes in the external environment,
235 such as proposals by other states or implementation of a federal
236 program that would spur reevaluation of the Florida program.

237 (o) The conditions and options for eliminating the Florida
238 program if a federal program were to supplant it.

239 (p) The need for a regular reevaluation of the progress of
240 other emitting regions of the country and of the world, and
241 whether other regions are abating emissions in a commensurate
242 manner.

243 (q) The desirability of and possibilities of broadening the
244 scope of the state's cap-and-trade system at a later date to
245 include more emitting activities as well as sinks in Florida,
246 the conditions that would need to be met to do so, and how the
247 program would encourage these conditions to be met, including
248 developing monitoring and measuring techniques for land use
249 emissions and sinks, regulating sources upstream, and other
250 considerations.

251 Section 2. 403.7032, Florida Statutes, is amended to read:

252 403.7032 Recycling.—

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

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262 (2) By the year 2020, the long-term goal for the recycling
263 efforts of state and local governmental entities, private
264 companies and organizations, and the general public is to
265 recycle at least 75 percent of the municipal solid waste that
266 would otherwise be ~~reduce the amount of recyclable solid waste~~
267 ~~disposed of in waste management facilities, landfills, or~~
268 ~~incineration facilities by a statewide average of at least 75~~
269 ~~percent.~~ However, any solid waste used for the production of
270 renewable energy shall count toward the long-term recycling goal
271 as set forth in this part section.

272 (3) Each state agency, K-12 public school, public
273 institution of higher learning, community college, and state
274 university, including all buildings that are occupied by
275 municipal, county, or state employees and entities occupying
276 buildings managed by the Department of Management Services,
277 must, at a minimum, annually report all recycled materials to
278 the county using the department's designated reporting format.
279 Private businesses, other than certified recovered materials
280 dealers, that recycle paper, metals, glass, plastics, textiles,
281 rubber materials, and mulch, are encouraged to report the amount
282 of materials they recycle to the county annually beginning
283 January 1, 2011, using the department's designated reporting
284 format. Using the information provided, the department shall
285 recognize those private businesses that demonstrate outstanding
286 recycling efforts. Private businesses that do not report
287 recycling rates to the department shall be recorded as having a
288 zero percent recycling rate. Notwithstanding any other provision
289 of state or county law, private businesses, other than certified
290 recovered materials dealers, shall not be required to report

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291 recycling rates.

292 ~~(4)-(3)~~ The Department of Environmental Protection shall
293 develop a comprehensive recycling program that is designed to
294 achieve the percentage under subsection (2) and submit the
295 program to the President of the Senate and the Speaker of the
296 House of Representatives by January 1, 2010. The program may not
297 be implemented until approved by the Legislature. The program
298 must be developed in coordination with input from state and
299 local entities, private businesses, and the public. Under the
300 program, recyclable materials shall include, but are not limited
301 to, metals, paper, glass, plastic, textile, rubber materials,
302 and mulch. Components of the program shall include, but are not
303 limited to:

304 (a) Programs to identify environmentally preferable
305 purchasing practices to encourage the purchase of recycled,
306 durable, and less toxic goods. The Department of Management
307 Services shall modify its procurement system to report on green
308 and recycled products purchased through the system by September
309 30, 2011.

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

312 (c) Programs for statewide recognition of successful
313 recycling efforts by schools, businesses, public groups, and
314 private citizens.

315 (d) Programs for municipalities and counties to develop and
316 implement efficient recycling efforts to return valuable
317 materials to productive use, conserve energy, and protect
318 natural resources.

319 (e) Programs by which the department can provide technical

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320 assistance to municipalities and counties in support of their
321 recycling efforts.

322 (f) Programs to educate and train the public in proper
323 recycling efforts.

324 (g) Evaluation of how financial assistance can best be
325 provided to municipalities and counties in support of their
326 recycling efforts.

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

329 (5) The department shall create the Recycling Business
330 Assistance Center by December 1, 2010. In carrying out its
331 duties under this subsection, the department shall consult with
332 state agency personnel appointed to serve as economic
333 development liaisons under s. 288.021 and seek technical
334 assistance from Enterprise Florida, Inc., to ensure the
335 Recycling Business Assistance Center is positioned to succeed.
336 The purpose of the center shall be to serve as the mechanism for
337 coordination among state agencies and the private sector in
338 order to coordinate policy and overall strategic planning for
339 developing new markets and expanding and enhancing existing
340 markets for recyclable materials in this state, other states,
341 and foreign countries. The duties of the center shall include,
342 at a minimum:

343 (a) Identifying and developing new markets and expanding
344 and enhancing existing markets for recyclable materials;

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

346 (c) Targeting materials for concentrated market-development
347 efforts;

348 (d) Developing proposals for new incentives for market

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349 development, particularly focusing on targeted materials;

350 (e) Providing guidance on issues such as permitting,
351 finance options for recycling market development, site location,
352 research and development, grant program criteria for recycled
353 materials markets, recycling markets education and information,
354 and minimum content;

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

358 (g) Evaluating source-reduced products as they relate to
359 state procurement policy. The evaluation shall include, but is
360 not limited to, the environmental and economic impact of source-
361 reduced product purchases to the state. For the purposes of this
362 paragraph, the term "source-reduced" means any method, process,
363 product, or technology that significantly or substantially
364 reduces the volume or weight of a product while providing, at a
365 minimum, equivalent or generally similar performance and service
366 to and for the users of such materials;

367 (h) Providing evaluation of solid waste management grants,
368 pursuant to s. 403.7095, to reduce the flow of solid waste to
369 disposal facilities and encourage the sustainable recovery of
370 materials from Florida's waste stream;

371 (i) Providing below-market financing for companies that
372 manufacture products from recycled materials or convert
373 recyclable materials into raw materials for use in
374 manufacturing, pursuant to the Florida Recycling Loan Program as
375 administered by the Florida First Capital Finance Corporation;

376 (j) Maintaining a continuously updated online directory,
377 listing the public and private entities that collect, transport,

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378 broker, process, or remanufacture recyclable materials in the
379 state;

380 (k) Providing information on the availability and benefits
381 of using recycled materials to private entities and industries
382 in the state;

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

386 (m) Coordinating with the Agency for Workforce Innovation
387 and its partners to provide job placement and job training
388 services to job seekers through the state's workforce services
389 programs.

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

392 288.9015 Enterprise Florida, Inc.; purpose; duties.—

393 (9) Enterprise Florida, Inc., shall provide technical
394 assistance to the Department of Environmental Protection in the
395 creation of the Recycling Business Assistance Center pursuant to
396 s. 403.7032(5). As the state's primary organization devoted to
397 statewide economic development, Enterprise Florida, Inc., is
398 encouraged to cooperate with the Department of Environmental
399 Protection to ensure that the Recycling Business Assistance
400 Center is positioned to succeed in helping to enhance and expand
401 existing markets for recyclable materials in Florida, other
402 states, and foreign countries.

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

405 403.7046 Regulation of recovered materials.—

406 (1) Any person who handles, purchases, receives, recovers,

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407 sells, or is an end user of recovered materials shall annually
408 certify to the department on forms provided by the department.
409 The department may by rule exempt from this requirement
410 generators of recovered materials; persons who handle or sell
411 recovered materials as an activity which is incidental to the
412 normal primary business activities of that person; or persons
413 who handle, purchase, receive, recover, sell, or are end users
414 of recovered materials in small quantities as defined by the
415 department. The department shall adopt rules for the
416 certification of and reporting by such persons and shall
417 establish criteria for revocation of such certification. ~~Prior~~
418 ~~to the adoption of such rules, the department shall appoint a~~
419 ~~technical advisory committee of no more than nine persons,~~
420 ~~including, at a minimum, representatives of the Florida~~
421 ~~Association of Counties, the Florida League of Cities, the~~
422 ~~Florida Recyclers Association, and the Florida Chapter of the~~
423 ~~National Solid Waste Management Association, to aid in the~~
424 ~~development of such rules.~~ Such rules shall be designed to
425 elicit, at a minimum, the amount and types of recovered
426 materials handled by registrants, and the amount and disposal
427 site, or name of person with whom such disposal was arranged, of
428 any solid waste generated by such facility. By February 1 of
429 each year, registrants shall report all required information to
430 the department and to all counties from which it received
431 materials. Such rules may provide for the department to conduct
432 periodic inspections. The department may charge a fee of up to
433 \$50 for each registration, which shall be deposited into the
434 Solid Waste Management Trust Fund for implementation of the
435 program.

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436 Section 5. Paragraph (c) of subsection (2) and subsection
437 (3) of section 403.705, Florida Statutes, are amended to read:
438 403.705 State solid waste management program.—

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

441 (c) Planning guidelines and technical assistance to
442 counties and municipalities to aid in meeting the municipal
443 solid waste reduction goals established in s. 403.706(2) ~~s.~~
444 ~~403.706(4)~~.

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

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

451 403.706 Local government solid waste responsibilities.—

452 (2)(a) Each county shall implement a recyclable materials
453 recycling program that shall have a goal of recycling recyclable
454 solid waste by 40 percent by December 31, 2012, 50 percent by
455 December 31, 2014, 60 percent by December 31, 2016, 70 percent
456 by December 31, 2018, and 75 percent by December 31, 2020.

457 Counties and municipalities are encouraged to form cooperative
458 arrangements for implementing recycling programs.

459 (b) In order to assist in attaining the goals provided in
460 this paragraph (a), the Legislature finds that the recycling of
461 construction and demolition debris is in the state's interest.
462 Each county shall implement a program that shall have a goal of
463 reducing construction and demolition debris disposed of in
464 landfills by 40 percent by December 31, 2012, 50 percent by

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465 December 31, 2014, 60 percent by December 31, 2016, 70 percent
466 by December 31, 2018, and 75 percent by December 31, 2020.

467 (c) In a manner that is in accordance with the applicable
468 local government ordinance, property receiving a certificate of
469 occupancy or the equivalent on or after January 1, 2011, which
470 is used for multifamily residential purposes or for commercial
471 purposes must provide adequate space and an adequate receptacle
472 for recycling by the tenant and owner of the property.

473 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,
474 the county, as determined by the department in accordance with
475 applicable rules, has not reached the recycling goals provided
476 in paragraph (a), the department may direct the county to
477 develop a plan to expand recycling programs to existing
478 commercial and multifamily dwellings, including, but not limited
479 to, apartment complexes.

480 (e) If the state's recycling rate for the 2013 calendar
481 year is below 40 percent, or below 50 percent by January 1,
482 2015, or below 60 percent by January 1, 2017, or below 70
483 percent by January 1, 2019, or below 75 percent by January 1,
484 2021, the department shall provide a report to the Legislature.
485 The report shall identify those additional programs or statutory
486 changes needed to achieve the goals provided in this subsection.
487 The report shall be provided no later than 30 days prior to the
488 Regular Session of the Legislature. If the state reaches its
489 recycling goals as described in this paragraph, the department
490 shall not provide a report to the Legislature.

491 (f) ~~(b)~~ Such programs shall be designed to recover a
492 significant portion of at least four of the following materials
493 from the solid waste stream prior to final disposal at a solid

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494 waste disposal facility and to offer these materials for
495 recycling: newspaper, aluminum cans, steel cans, glass, plastic
496 bottles, cardboard, office paper, and yard trash. Local
497 governments which operate permitted waste-to-energy facilities
498 may retrieve ferrous and nonferrous metal as a byproduct of
499 combustion.

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

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

508 ~~(d) By July 1, 2010, each county shall develop and~~
509 ~~implement a plan to achieve a goal to compost organic materials~~
510 ~~that would otherwise be disposed of in a landfill. The goal~~
511 ~~shall provide that up to 10 percent and no less than 5 percent~~
512 ~~of organic material would be composted within the county and the~~
513 ~~municipalities within its boundaries. The department may reduce~~
514 ~~or modify the compost goal if the county demonstrates to the~~
515 ~~department that achievement of the goal would be impractical~~
516 ~~given the county's unique demographic, urban density, or~~
517 ~~inability to separate normally compostable material from the~~
518 ~~solid waste stream. The composting plan is encouraged to address~~
519 ~~partnership with the private sector.~~

520 (i)~~(e)~~ Each county is encouraged to consider plans for
521 composting or mulching organic materials that would otherwise be
522 disposed of in a landfill. The composting or mulching plans are

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523 encouraged to address partnership with the private sector.

524 ~~(4)(a) A county's solid waste management and recycling~~
525 ~~programs shall be designed to provide for sufficient reduction~~
526 ~~of the amount of solid waste generated within the county and the~~
527 ~~municipalities within its boundaries in order to meet goals for~~
528 ~~the reduction of municipal solid waste prior to the final~~
529 ~~disposal or the incineration of such waste at a solid waste~~
530 ~~disposal facility. The goals shall provide, at a minimum, that~~
531 ~~the amount of municipal solid waste that would be disposed of~~
532 ~~within the county and the municipalities within its boundaries~~
533 ~~is reduced by at least 30 percent.~~

534 ~~(a)(b)~~ A county may receive credit for one-half of the
535 recycling goal in subsection (2) ~~for waste reduction~~ from the
536 use of yard trash, or other clean wood waste or paper waste, in
537 innovative programs including, but not limited to, programs that
538 produce alternative clean-burning fuels such as ethanol or that
539 provide for the conversion of yard trash or other clean wood
540 waste or paper waste to clean-burning fuel for the production of
541 energy for use at facilities other than a waste-to-energy
542 facility as defined in s. 403.7061. The provisions of this
543 paragraph apply only if a county can demonstrate that:

544 1. The county has implemented a yard trash mulching or
545 composting program, and

546 2. As part of the program, compost and mulch made from yard
547 trash is available to the general public and in use at county-
548 owned or maintained and municipally owned or maintained
549 facilities in the county and state agencies operating in the
550 county as required by this section.

551 (b) Solid waste used for the production of renewable energy

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552 shall count toward the long-term recycling goal as set forth in
553 subsection (2), provided the county in which a waste-to-energy
554 facility is located has implemented and maintains a program that
555 is designed to recycle at least 40 percent of municipal solid
556 waste by means other than gasification or combustion.

557 (c) A county with a population of 100,000 or less may
558 provide its residents with the opportunity to recycle in lieu of
559 achieving the goal set forth in this section ~~paragraph (a)~~. For
560 the purposes of this section ~~subsection~~, the "opportunity to
561 recycle" means that the county:

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

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

567 2. Provides a public education and promotion program that
568 is conducted to inform its residents of the opportunity to
569 recycle, encourages source separation of recyclable materials,
570 and promotes the benefits of reducing, reusing, recycling, and
571 composting materials.

572 (6) The department may reduce or modify the municipal solid
573 waste recycling ~~reduction~~ goal that a county is required to
574 achieve pursuant to subsection (2) ~~(4)~~ if the county
575 demonstrates to the department that:

576 (a) The achievement of the goal set forth in subsection (2)
577 ~~(4)~~ would have an adverse effect on the financial obligations of
578 a county or a city that are directly related to a waste-to-
579 energy facility owned or operated by or on behalf of the county
580 or the city; and

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581 (b) The county or the city cannot remove normally
582 combustible materials from solid waste that is to be processed
583 at a waste-to-energy facility because of the need to maintain a
584 sufficient amount of solid waste to ensure the financial
585 viability of the facility.

586
587 The goal shall not be waived entirely and may only be reduced or
588 modified to the extent necessary to alleviate the adverse
589 effects of achieving the goal on the financial viability of a
590 county's waste-to-energy facility. Nothing in this subsection
591 shall exempt a county from developing and implementing a
592 recycling program pursuant to this act.

593 (7) In order to assess the progress in meeting the goal
594 established in subsection (2) ~~(4)~~, each county shall, by April 1
595 ~~November~~ each year, provide information to the department
596 regarding its annual solid waste management program and
597 recycling activities. The information by the county must, at a
598 minimum, include:

599 (a) The amount of municipal solid waste disposed of at
600 solid waste disposal facilities, by type of waste such as yard
601 trash, white goods, clean debris, tires, and unseparated solid
602 waste;

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

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

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

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610 (21) Local governments are authorized to enact ordinances
611 that require and direct all residential properties, multifamily
612 dwelling, and apartment complexes and industrial, commercial,
613 and institutional establishments as defined by the local
614 government to establish programs for the separation of
615 recyclable materials designated by the local government, which
616 recyclable materials are specifically intended for purposes of
617 recycling and for which a market exists, and to provide for
618 their collection. Such ordinances may include, but are not
619 limited to, provisions that prohibit any person from knowingly
620 disposing of recyclable materials designated by the local
621 government and that ensure the collection of recovered materials
622 as necessary to protect public health and safety.

623 Section 7. Paragraph (c) of subsection (3) of section
624 403.7061, Florida Statutes, is amended to read:

625 403.7061 Requirements for review of new waste-to-energy
626 facility capacity by the Department of Environmental
627 Protection.—

628 (3) An applicant must provide reasonable assurance that the
629 construction of a new waste-to-energy facility or the expansion
630 of an existing waste-to-energy facility will comply with the
631 following criteria:

632 (c) The county in which the facility is located has
633 implemented and maintains a solid waste management and recycling
634 program that is designed to achieve a the waste reduction goal
635 of recycling recyclable solid waste by at least 40 percent by
636 January 1, 2013 set forth in s. 403.706(4). The requirements of
637 this paragraph do not apply to ~~For the purposes of this section,~~
638 ~~the provisions of s. 403.706(4)(c) for counties having~~

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639 populations of 100,000 or fewer ~~do not apply~~.

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

642 403.707 Permits.—

643 (9) The department shall establish a separate category for
644 solid waste management facilities that accept only construction
645 and demolition debris for disposal or recycling. The department
646 shall establish a reasonable schedule for existing facilities to
647 comply with this section to avoid undue hardship to such
648 facilities. However, a permitted solid waste disposal unit that
649 receives a significant amount of waste prior to the compliance
650 deadline established in this schedule shall not be required to
651 be retrofitted with liners or leachate control systems.

652 (a) The department shall establish reasonable construction,
653 operation, monitoring, recordkeeping, financial assurance, and
654 closure requirements for such facilities. The department shall
655 take into account the nature of the waste accepted at various
656 facilities when establishing these requirements, and may impose
657 less stringent requirements, including a system of general
658 permits or registration requirements, for facilities that accept
659 only a segregated waste stream which is expected to pose a
660 minimal risk to the environment and public health, such as clean
661 debris. The Legislature recognizes that incidental amounts of
662 other types of solid waste are commonly generated at
663 construction or demolition projects. In any enforcement action
664 taken pursuant to this section, the department shall consider
665 the difficulty of removing these incidental amounts from the
666 waste stream.

667 (b) The department shall ~~not~~ require liners and leachate

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668 collection systems at individual disposal units and lateral
669 expansions of existing disposal units that have not received a
670 department permit authorizing construction or operation prior to
671 July 1, 2010 ~~facilities unless it demonstrates, based upon the~~
672 ~~types of waste received, the methods for controlling types of~~
673 ~~waste disposed of, the proximity of groundwater and surface~~
674 ~~water, and the results of the hydrogeological and geotechnical~~
675 ~~investigations, that the facility is reasonably expected to~~
676 ~~result in violations of groundwater standards and criteria~~
677 otherwise.

678 (c) The owner or operator shall provide financial assurance
679 for closing of the facility in accordance with the requirements
680 of s. 403.7125. The financial assurance shall cover the cost of
681 closing the facility and 5 years of long-term care after
682 closing, unless the department determines, based upon
683 hydrogeologic conditions, the types of wastes received, or the
684 groundwater monitoring results, that a different long-term care
685 period is appropriate. However, unless the owner or operator of
686 the facility is a local government, the escrow account described
687 in s. 403.7125(2) may not be used as a financial assurance
688 mechanism.

689 (d) The department shall establish training requirements
690 for operators of facilities, and shall work with the State
691 University System or other providers to assure that adequate
692 training courses are available. The department shall also assist
693 the Florida Home Builders Association in establishing a
694 component of its continuing education program to address proper
695 handling of construction and demolition debris, including best
696 management practices for reducing contamination of the

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697 construction and demolition debris waste stream.

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

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

705 (g) By January 1, 2012, the amount of construction and
706 demolition debris processed and recycled prior to disposal at a
707 permitted materials recovery facility or at any other permitted
708 disposal facility shall be reported by the county of origin to
709 the department and to the county on an annual basis in
710 accordance with rules adopted by the department. The rules shall
711 establish criteria to insure accurate and consistent reporting
712 for purposes of determining the recycling rate in s. 403.706.
713 The rules also shall provide that, to the extent economically
714 feasible, all construction and demolition debris must be
715 processed prior to disposal, either at a permitted waste
716 processing facility or a permitted disposal facility. This
717 requirement does not apply to any materials that have been
718 source separated and offered for recycling or to materials that
719 have been previously processed. It is the policy of the
720 Legislature to encourage facilities to recycle. The department
721 shall establish criteria and guidelines that encourage recycling
722 where practical and provide for the use of recycled materials in
723 a manner that protects the public health and the environment.
724 Facilities are authorized to recycle, provided such activities
725 do not conflict with such criteria and guidelines.

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726 (h) The department shall ensure that the requirements of
727 this section are applied and interpreted consistently throughout
728 the state. In accordance with s. 20.255, the Division of Waste
729 Management shall direct the district offices and bureaus on
730 matters relating to the interpretation and applicability of this
731 section.

732 (i) The department shall provide notice of receipt of a
733 permit application for the initial construction of a
734 construction and demolition debris disposal facility to the
735 local governments having jurisdiction where the facility is to
736 be located.

737 (j) The Legislature recognizes that recycling, waste
738 reduction, and resource recovery are important aspects of an
739 integrated solid waste management program and as such are
740 necessary to protect the public health and the environment. If
741 necessary to promote such an integrated program, the county may
742 determine, after providing notice and an opportunity for a
743 hearing prior to April 30, 2008, that some or all of the
744 material described in s. 403.703(6)(b) shall be excluded from
745 the definition of "construction and demolition debris" in s.
746 403.703(6) within the jurisdiction of such county. The county
747 may make such a determination only if it finds that, prior to
748 June 1, 2007, the county has established an adequate method for
749 the use or recycling of such wood material at an existing or
750 proposed solid waste management facility that is permitted or
751 authorized by the department on June 1, 2007. The county is not
752 required to hold a hearing if the county represents that it
753 previously has held a hearing for such purpose, or if the county
754 represents that it previously has held a public meeting or

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755 hearing that authorized such method for the use or recycling of
756 trash or other nonputrescible waste materials and that such
757 materials include those materials described in s. 403.703(6)(b).
758 The county shall provide written notice of its determination to
759 the department by no later than April 30, 2008; thereafter, the
760 materials described in s. 403.703(6) shall be excluded from the
761 definition of "construction and demolition debris" in s.
762 403.703(6) within the jurisdiction of such county. The county
763 may withdraw or revoke its determination at any time by
764 providing written notice to the department.

765 (k) Brazilian pepper and other invasive exotic plant
766 species as designated by the department resulting from
767 eradication projects may be processed at permitted construction
768 and demolition debris recycling facilities or disposed of at
769 permitted construction and demolition debris disposal facilities
770 or Class III facilities. The department may adopt rules to
771 implement this paragraph.

772 Section 9. Section 403.7095, Florida Statutes, is amended
773 to read:

774 403.7095 Solid waste management grant program.—

775 ~~(1) The department shall develop a competitive and~~
776 ~~innovative grant program for counties, municipalities, special~~
777 ~~districts, and nonprofit organizations that have legal~~
778 ~~responsibility for the provision of solid waste management~~
779 ~~services. For purposes of this program, "innovative" means that~~
780 ~~the process, technology, or activity for which funding is sought~~
781 ~~has not previously been implemented within the jurisdiction of~~
782 ~~the applicant. The applicant must:~~

783 ~~(a) Demonstrate technologies or processes that represent a~~

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784 ~~novel application of an existing technology or process to~~
785 ~~recycle or reduce waste, or that overcome obstacles to recycling~~
786 ~~or waste reduction in new or innovative ways;~~

787 ~~(b) Demonstrate innovative processes to collect and recycle~~
788 ~~or reduce materials targeted by the department and the recycling~~
789 ~~industry; or~~

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

794
795 ~~Because the Legislature recognizes that input from the recycling~~
796 ~~industry is essential to the success of this grant program, the~~
797 ~~department shall cooperate with private sector entities to~~
798 ~~develop a process and define specific criteria for allowing~~
799 ~~their participation with grant recipients.~~

800 ~~(2) The department shall evaluate and prioritize the annual~~
801 ~~grant proposals and present the annual prioritized list of~~
802 ~~projects to be funded to the Governor and the Legislature as~~
803 ~~part of its annual budget request submitted pursuant to chapter~~
804 ~~216. Potential grant recipients are encouraged to demonstrate~~
805 ~~local support for grant proposals by the commitment of cash or~~
806 ~~in-kind matching funds.~~

807 ~~(1)~~(3) The department shall develop a consolidated grant
808 program for small counties having populations fewer than
809 100,000, with grants to be distributed equally among eligible
810 counties. Programs to be supported with the small-county
811 consolidated grants include general solid waste management,
812 litter prevention and control, and recycling and education

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813 programs.

814 (2)~~(4)~~ The department shall develop a waste tire grant
815 program making grants available to all counties. The department
816 shall ensure that at least 25 percent of the funding available
817 for waste tire grants is distributed equally to each county
818 having a population fewer than 100,000. Of the remaining funds
819 distributed to counties having a population of 100,000 or
820 greater, the department shall distribute those funds on the
821 basis of population.

822 (3)~~(5)~~ From the funds made available pursuant to s.
823 403.709(1)(e) for the grant program created by this section, the
824 following distributions shall be made:

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

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

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

831 (4)~~(6)~~ The department may adopt rules necessary to
832 administer this section, including, but not limited to, rules
833 governing timeframes for submitting grant applications, criteria
834 for prioritizing, matching criteria, maximum grant amounts, and
835 allocation of appropriated funds based upon project and
836 applicant size.

837 ~~(7) Notwithstanding any provision of this section to the~~
838 ~~contrary, and for the 2009-2010 fiscal year only, the Department~~
839 ~~of Environmental Protection shall award the sum of \$2,600,000 in~~
840 ~~grants equally to counties having populations of fewer than~~
841 ~~100,000 for waste tire and litter prevention, recycling~~

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842 ~~education, and general solid waste programs. This subsection~~
843 ~~expires July 1, 2010.~~

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

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

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

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

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

857 403.7145 Recycling.—

858 (1) The Capitol and the House and Senate office buildings
859 constitute the Capitol recycling area. The Florida House of
860 Representatives, the Florida Senate, and the Office of the
861 Governor, the Secretary of State, and each Cabinet officer who
862 heads a department that occupies office space in the Capitol,
863 shall institute a recycling program for their respective offices
864 in the House and Senate office buildings and the Capitol.

865 Provisions shall be made to collect and sell wastepaper and
866 empty aluminum beverage containers cans generated by employee
867 activities in these offices. The collection and sale of such
868 materials shall be reported to Leon County using the
869 department's designated reporting format and coordinated with
870 Department of Management Services recycling activities to

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871 maximize the efficiency and economy of this program. The
872 Governor, the Speaker of the House of Representatives, the
873 President of the Senate, the Secretary of State, and the Cabinet
874 officers may authorize the use of proceeds from recyclable
875 material sales for employee benefits and other purposes, in
876 order to provide incentives to their respective employees for
877 participation in the recycling program. Such proceeds may also
878 be used to offset any costs of the recycling program. As a
879 demonstration of leading by example, the Capitol Building's
880 recycling rates shall be posted on the website of the Department
881 of Management Services and shall include the details of the
882 recycling rates for each Department of Management Services pool
883 facility. The Department of Environmental Protection shall post
884 recycling rates of each state-owned facility reported to the
885 Department of Management Services.

886 (3) Prior to awarding any grants pursuant to s. 403.7095,
887 the department shall develop and contract for an innovative
888 recycling pilot project for the Capitol recycling area. The
889 project shall be designed to collect recyclable materials and
890 create a more sustainable recycling system. Components of the
891 project shall be designed to increase convenience, incentivize
892 and measure participation, reduce material volume, and assist in
893 achieving the recycling goals enumerated in s. 403.706.

894 (4) Each public airport operating in this state shall, to
895 the greatest extent practicable, collect aluminum beverage cans
896 and recyclable plastic and glass from the airlines and other
897 entities doing business at the airport and offer such materials
898 for recycling and may retain the economic benefit of these
899 activities to offset the costs associated with such collection.

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900 Airport administration offices, airport vendors, and airlines
901 are encouraged to coordinate the collection of recyclable waste
902 to the greatest extent practicable. The provisions of this
903 subsection are not intended to interfere with any established
904 recycling activity.

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

907 553.77 Specific powers of the commission.—

908 (1) The commission shall:

909 (m) Develop recommendations that increase residential and
910 commercial recycling and composting, and strongly encourages the
911 use of recyclable materials and the recycling of construction
912 and demolition debris.

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

915 403.7049 Determination of full cost for solid waste
916 management; local solid waste management fees.—

917 (5) In order to assist in achieving the municipal solid
918 waste reduction goal and the recycling provisions of s.
919 403.706(2) ~~s. 403.706(4)~~, a county or a municipality which owns
920 or operates a solid waste management facility is hereby
921 authorized to charge solid waste disposal fees which may vary
922 based on a number of factors, including, but not limited to, the
923 amount, characteristics, and form of recyclable materials
924 present in the solid waste that is brought to the county's or
925 the municipality's facility for processing or disposal.

926 Section 13. Section 288.1185, Florida Statutes, is
927 repealed.

928 Section 14. This act shall take effect July 1, 2010.