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

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

75  
76 Be It Enacted by the Legislature of the State of Florida:

77  
78 Section 1. Section 403.44, Florida Statutes, is amended to  
79 read:

80 403.44 Florida Climate Protection Act.—

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

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

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88        (3)~~(5)~~ The department may adopt rules for a cap-and-trade  
89 regulatory program to reduce greenhouse gas emissions from major  
90 emitters. When developing the rules, the department shall  
91 consult with the Florida Energy and Climate Commission and the  
92 Florida Public Service Commission and may consult with the  
93 Governor's Action Team for Energy and Climate Change. The  
94 department shall not adopt rules until after January 1, 2010.  
95 The rules shall not become effective until ratified by the  
96 Legislature.

97        (4)~~(6)~~ The rules of the cap-and-trade regulatory program  
98 shall include, but are not limited to:

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

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

103            (c) Methods, requirements, and conditions for emissions  
104 allowances and the process for issuing emissions allowances.

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

107            (e) The length of allowance periods and the time over which  
108 entities must account for emissions and surrender allowances  
109 equal to emissions.

110            (f) The timeline of allowances from the initiation of the  
111 program through to 2050.

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

115            (h) Cost containment mechanisms to reduce price and cost  
116 risks associated with the electric generation market in this

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117 state. Cost containment mechanisms to be considered for  
118 inclusion in the rules include, but are not limited to:

119 1. Allowing major emitters to borrow allowances from future  
120 time periods to meet their greenhouse gas emission limits.

121 2. Allowing major emitters to bank greenhouse gas emission  
122 reductions in the current year to be used to meet emission  
123 limits in future years.

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

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

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In considering cost containment mechanisms for inclusion in the rules, the department shall evaluate the anticipated overall effect of each mechanism on the abatement of greenhouse gas emissions and on electricity ratepayers and the benefits and costs of each to the state's economy, and shall also consider the interrelationships between the mechanisms under consideration.

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

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

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

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

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

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

(d) The impacts on electricity prices for consumers.

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

(f) The specific benefits to the state's economy associated

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175 with the creation and sale of emissions offsets from economic  
176 sectors outside of the emissions cap.

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

179 (h) The effectiveness of the combination of measures in  
180 meeting identified targets.

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

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

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

187 (l) Consistency of the program with other state and  
188 possible federal efforts.

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

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

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

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204 address:

205 (a) The overall cost-effectiveness of the proposed cap-and-  
206 trade system in combination with other policies and measures in  
207 meeting statewide targets.

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

210 (c) The administrative burden on entities covered under the  
211 cap.

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

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

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

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

222 (h) The effectiveness of the combination of measures in  
223 meeting identified targets.

224 (i) The economic implications for near-term periods of  
225 short-term and long-term targets specified in the overall  
226 policy.

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

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

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

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233 (m) The evaluation of the conditions under which the state  
234 should consider linking its trading system to the systems of  
235 other states or other countries and how that might be affected  
236 by the potential inclusion in the rule of a safety valve.

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

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

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

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

254 Section 2. 403.7032, Florida Statutes, is amended to read:  
255 403.7032 Recycling.—

256 (1) The Legislature finds that the failure or inability to  
257 economically recover material and energy resources from solid  
258 waste results in the unnecessary waste and depletion of our  
259 natural resources. As the state continues to grow, so will the  
260 potential amount of discarded material that must be treated and  
261 disposed of, necessitating the improvement of solid waste

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262 collection and disposal. Therefore, the maximum recycling and  
263 reuse of such resources are considered high-priority goals of  
264 the state.

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

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

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291 zero percent recycling rate. Notwithstanding any other provision  
292 of state or county law, private businesses, other than certified  
293 recovered materials dealers, shall not be required to report  
294 recycling rates. Cities with less than a population of 2,500 and  
295 per capita taxable value less than \$4,800 and cities with a per  
296 capita taxable value less than \$30,000 are exempt from the  
297 reporting requirement specified in this paragraph.

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

310 (a) Programs to identify environmentally preferable  
311 purchasing practices to encourage the purchase of recycled,  
312 durable, and less toxic goods. The Department of Management  
313 Services shall modify its procurement system to report on green  
314 and recycled products purchased through the system by September  
315 30, 2011.

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

318 (c) Programs for statewide recognition of successful  
319 recycling efforts by schools, businesses, public groups, and

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320 private citizens.

321 (d) Programs for municipalities and counties to develop and  
322 implement efficient recycling efforts to return valuable  
323 materials to productive use, conserve energy, and protect  
324 natural resources.

325 (e) Programs by which the department can provide technical  
326 assistance to municipalities and counties in support of their  
327 recycling efforts.

328 (f) Programs to educate and train the public in proper  
329 recycling efforts.

330 (g) Evaluation of how financial assistance can best be  
331 provided to municipalities and counties in support of their  
332 recycling efforts.

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

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

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349 (a) Identifying and developing new markets and expanding  
350 and enhancing existing markets for recyclable materials;

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

352 (c) Targeting materials for concentrated market-development  
353 efforts;

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

356 (e) Providing guidance on issues such as permitting,  
357 finance options for recycling market development, site location,  
358 research and development, grant program criteria for recycled  
359 materials markets, recycling markets education and information,  
360 and minimum content;

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

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

373 (h) Providing evaluation of solid waste management grants,  
374 pursuant to s. 403.7095, to reduce the flow of solid waste to  
375 disposal facilities and encourage the sustainable recovery of  
376 materials from Florida's waste stream;

377 (i) Providing below-market financing for companies that

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378 manufacture products from recycled materials or convert  
379 recyclable materials into raw materials for use in  
380 manufacturing, pursuant to the Florida Recycling Loan Program as  
381 administered by the Florida First Capital Finance Corporation;

382 (j) Maintaining a continuously updated online directory,  
383 listing the public and private entities that collect, transport,  
384 broker, process, or remanufacture recyclable materials in the  
385 state;

386 (k) Providing information on the availability and benefits  
387 of using recycled materials to private entities and industries  
388 in the state;

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

392 (m) Coordinating with the Agency for Workforce Innovation  
393 and its partners to provide job placement and job training  
394 services to job seekers through the state's workforce services  
395 programs.

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

398 288.9015 Enterprise Florida, Inc.; purpose; duties.—

399 (9) Enterprise Florida, Inc., shall provide technical  
400 assistance to the Department of Environmental Protection in the  
401 creation of the Recycling Business Assistance Center pursuant to  
402 s. 403.7032(5). As the state's primary organization devoted to  
403 statewide economic development, Enterprise Florida, Inc., is  
404 encouraged to cooperate with the Department of Environmental  
405 Protection to ensure that the Recycling Business Assistance  
406 Center is positioned to succeed in helping to enhance and expand

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407 existing markets for recyclable materials in Florida, other  
408 states, and foreign countries.

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

411 403.7046 Regulation of recovered materials.—

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

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436 the department and to all counties from which it received  
437 materials. Such rules may provide for the department to conduct  
438 periodic inspections. The department may charge a fee of up to  
439 \$50 for each registration, which shall be deposited into the  
440 Solid Waste Management Trust Fund for implementation of the  
441 program.

442 Section 5. Paragraph (c) of subsection (2) and subsection  
443 (3) of section 403.705, Florida Statutes, are amended and a new  
444 subsection (4) is created to read:

445 403.705 State solid waste management program.—

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

448 (c) Planning guidelines and technical assistance to  
449 counties and municipalities to aid in meeting the municipal  
450 solid waste recycling ~~reduction~~ goals established in s.  
451 403.706(2) ~~s. 403.706(4)~~.

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

456 (4) The department shall adopt rules creating a voluntary  
457 certification program for materials recovery facilities. The  
458 certification criteria shall be based upon the amount and type  
459 of materials recycled and the compliance record of the facility,  
460 and may vary depending on the location in the state and the  
461 available markets for the materials that are processed. Any  
462 materials recovery facility seeking certification shall file an  
463 application to modify its permit, or shall include a  
464 certification application as part of its original permit

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465 application, which application shall not require an additional  
466 fee. The department shall adopt a form for certification  
467 applications, and shall require at least annual reports to  
468 verify the continued qualification for certification. After  
469 January 1, 2012, a county or city may consider utilizing a  
470 certified recycler when renewing or entering into a contract  
471 with a materials recovery facility to accept or process solid  
472 waste. In order to assist in the development of the  
473 certification program the department shall appoint a technical  
474 advisory committee.

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

477 403.706 Local government solid waste responsibilities.—

478 (2) (a) Each county shall implement a recyclable materials  
479 recycling program that shall have a goal of recycling solid  
480 waste by 40 percent by December 31, 2012, 50 percent by December  
481 31, 2014, 60 percent by December 31, 2016, 70 percent by  
482 December 31, 2018, and 75 percent by December 31, 2020. Counties  
483 and municipalities are encouraged to form cooperative  
484 arrangements for implementing recycling programs.

485 (b) In order to assist in attaining the goals provided in  
486 this paragraph (a), the Legislature finds that the recycling of  
487 construction and demolition debris is in the state's interest.  
488 Each county shall implement a program with the following goals  
489 for recycling construction and demolition debris: 40 percent by  
490 December 31, 2012; 50 percent by December 31, 2014; 60 percent  
491 by December 31, 2016; 70 percent by December 31, 2018; and 75  
492 percent by December 31, 2020.

493 (c) Newly developed property receiving a building permit or

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494 its functional equivalent on or after March 1, 2011, which is  
495 used for multifamily residential purposes or for commercial  
496 purposes, must provide adequate space and an adequate receptacle  
497 for recycling by the tenant or owner of the property. This  
498 provision is limited to counties and cities that have an  
499 established commercial recycling program which provides  
500 recycling receptacles to multifamily residential properties and  
501 commercial properties and also provides regular pick-up service  
502 for those receptacles.

503 (d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021,  
504 the county, as determined by the department in accordance with  
505 applicable rules, has not reached the recycling goals provided  
506 in paragraph (a), the department may direct the county to  
507 develop a plan to expand recycling programs to existing  
508 commercial and multifamily dwellings, including, but not limited  
509 to, apartment complexes.

510 (e) If the state's recycling rate for the 2013 calendar  
511 year is below 40 percent, or below 50 percent by January 1,  
512 2015, or below 60 percent by January 1, 2017, or below 70  
513 percent by January 1, 2019, or below 75 percent by January 1,  
514 2021, the department shall provide a report to the Legislature.  
515 The report shall identify those additional programs or statutory  
516 changes needed to achieve the goals provided in this subsection.  
517 The report shall be provided no later than 30 days prior to the  
518 Regular Session of the Legislature. If the state reaches its  
519 recycling goals as described in this paragraph, the department  
520 shall not provide a report to the Legislature.

521 (f) ~~(b)~~ Such programs shall be designed to recover a  
522 significant portion of at least four of the following materials

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523 from the solid waste stream prior to final disposal at a solid  
524 waste disposal facility and to offer these materials for  
525 recycling: newspaper, aluminum cans, steel cans, glass, plastic  
526 bottles, cardboard, office paper, and yard trash. Local  
527 governments which operate permitted waste-to-energy facilities  
528 may retrieve ferrous and nonferrous metal as a byproduct of  
529 combustion.

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

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

538 ~~(d) By July 1, 2010, each county shall develop and~~  
539 ~~implement a plan to achieve a goal to compost organic materials~~  
540 ~~that would otherwise be disposed of in a landfill. The goal~~  
541 ~~shall provide that up to 10 percent and no less than 5 percent~~  
542 ~~of organic material would be composted within the county and the~~  
543 ~~municipalities within its boundaries. The department may reduce~~  
544 ~~or modify the compost goal if the county demonstrates to the~~  
545 ~~department that achievement of the goal would be impractical~~  
546 ~~given the county's unique demographic, urban density, or~~  
547 ~~inability to separate normally compostable material from the~~  
548 ~~solid waste stream. The composting plan is encouraged to address~~  
549 ~~partnership with the private sector.~~

550 (i)~~(e)~~ Each county is encouraged to consider plans for  
551 composting or mulching organic materials that would otherwise be

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552 disposed of in a landfill. The composting or mulching plans are  
553 encouraged to address partnership with the private sector.

554 ~~(4) (a) A county's solid waste management and recycling~~  
555 ~~programs shall be designed to provide for sufficient reduction~~  
556 ~~of the amount of solid waste generated within the county and the~~  
557 ~~municipalities within its boundaries in order to meet goals for~~  
558 ~~the reduction of municipal solid waste prior to the final~~  
559 ~~disposal or the incineration of such waste at a solid waste~~  
560 ~~disposal facility. The goals shall provide, at a minimum, that~~  
561 ~~the amount of municipal solid waste that would be disposed of~~  
562 ~~within the county and the municipalities within its boundaries~~  
563 ~~is reduced by at least 30 percent.~~

564 ~~(a) (b)~~ A county may receive credit for one-half of the  
565 recycling goal in subsection (2) ~~for waste reduction~~ from the  
566 use of yard trash, or other clean wood waste or paper waste, in  
567 innovative programs including, but not limited to, programs that  
568 produce alternative clean-burning fuels such as ethanol or that  
569 provide for the conversion of yard trash or other clean wood  
570 waste or paper waste to clean-burning fuel for the production of  
571 energy for use at facilities other than a waste-to-energy  
572 facility as defined in s. 403.7061. The provisions of this  
573 paragraph apply only if a county can demonstrate that:

574 1. The county has implemented a yard trash mulching or  
575 composting program, and

576 2. As part of the program, compost and mulch made from yard  
577 trash is available to the general public and in use at county-  
578 owned or maintained and municipally owned or maintained  
579 facilities in the county and state agencies operating in the  
580 county as required by this section.

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

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

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

591            2. Provides a public education and promotion program that  
592 is conducted to inform its residents of the opportunity to  
593 recycle, encourages source separation of recyclable materials,  
594 and promotes the benefits of reducing, reusing, recycling, and  
595 composting materials.

596            (6) The department may reduce or modify the municipal solid  
597 waste recycling ~~reduction~~ goal that a county is required to  
598 achieve pursuant to subsection (2) ~~(4)~~ if the county  
599 demonstrates to the department that:

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

605            (b) The county or the city cannot remove normally  
606 combustible materials from solid waste that is to be processed  
607 at a waste-to-energy facility because of the need to maintain a  
608 sufficient amount of solid waste to ensure the financial  
609 viability of the facility.

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610  
611 The goal shall not be waived entirely and may only be reduced or  
612 modified to the extent necessary to alleviate the adverse  
613 effects of achieving the goal on the financial viability of a  
614 county's waste-to-energy facility. Nothing in this subsection  
615 shall exempt a county from developing and implementing a  
616 recycling program pursuant to this act.

617 (7) In order to assess the progress in meeting the goal  
618 established in subsection (2) ~~(4)~~, each county shall, by April 1  
619 ~~November~~ each year, provide information to the department  
620 regarding its annual solid waste management program and  
621 recycling activities. The information by the county must, at a  
622 minimum, include:

623 (a) The amount of municipal solid waste disposed of at  
624 solid waste disposal facilities, by type of waste such as yard  
625 trash, white goods, clean debris, tires, and unseparated solid  
626 waste;

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

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

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

634 (21) Local governments are authorized to enact ordinances  
635 that require and direct all residential properties, multifamily  
636 dwellings, and apartment complexes and industrial, commercial,  
637 and institutional establishments as defined by the local  
638 government to establish programs for the separation of

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639 recyclable materials designated by the local government, which  
640 recyclable materials are specifically intended for purposes of  
641 recycling and for which a market exists, and to provide for  
642 their collection. Such ordinances may include, but are not  
643 limited to, provisions that prohibit any person from knowingly  
644 disposing of recyclable materials designated by the local  
645 government and that ensure the collection of recovered materials  
646 as necessary to protect public health and safety.

647 Section 7. Paragraph (c) of subsection (3) of section  
648 403.7061, Florida Statutes, is amended to read:

649 403.7061 Requirements for review of new waste-to-energy  
650 facility capacity by the Department of Environmental  
651 Protection.—

652 (3) An applicant must provide reasonable assurance that the  
653 construction of a new waste-to-energy facility or the expansion  
654 of an existing waste-to-energy facility will comply with the  
655 following criteria:

656 (c) The county in which the facility is located has  
657 implemented and maintains a solid waste management and recycling  
658 program that is designed to achieve a the waste recycling  
659 ~~reduction~~ goal of 30 percent ~~set forth in s. 403.706(4)~~. For the  
660 purposes of this section, the provisions of s. 403.706(4) (c) for  
661 counties having populations of 100,000 or fewer ~~do not apply~~.

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

664 403.707 Permits.—

665 (9) The department shall establish a separate category for  
666 solid waste management facilities that accept only construction  
667 and demolition debris for disposal or recycling. The department

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668 shall establish a reasonable schedule for existing facilities to  
669 comply with this section to avoid undue hardship to such  
670 facilities. However, a permitted solid waste disposal unit that  
671 receives a significant amount of waste prior to the compliance  
672 deadline established in this schedule shall not be required to  
673 be retrofitted with liners or leachate control systems.

674 (a) The department shall establish reasonable construction,  
675 operation, monitoring, recordkeeping, financial assurance, and  
676 closure requirements for such facilities. The department shall  
677 take into account the nature of the waste accepted at various  
678 facilities when establishing these requirements, and may impose  
679 less stringent requirements, including a system of general  
680 permits or registration requirements, for facilities that accept  
681 only a segregated waste stream which is expected to pose a  
682 minimal risk to the environment and public health, such as clean  
683 debris. The Legislature recognizes that incidental amounts of  
684 other types of solid waste are commonly generated at  
685 construction or demolition projects. In any enforcement action  
686 taken pursuant to this section, the department shall consider  
687 the difficulty of removing these incidental amounts from the  
688 waste stream.

689 (b) The department shall ~~not~~ require liners and leachate  
690 collection systems at individual disposal units and lateral  
691 expansions of existing disposal units that have not received a  
692 department permit authorizing construction or operation prior to  
693 July 1, 2010, facilities unless the owner or operator ~~it~~  
694 demonstrates, based upon the types of waste received, the  
695 methods for controlling types of waste disposed of, the  
696 proximity of groundwater and surface water, and the results of

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697 the hydrogeological and geotechnical investigations, that the  
698 facility is not ~~reasonably~~ expected to result in violations of  
699 groundwater standards and criteria if built without a liner  
700 ~~otherwise~~.

701 (c) The owner or operator shall provide financial assurance  
702 for closing of the facility in accordance with the requirements  
703 of s. 403.7125. The financial assurance shall cover the cost of  
704 closing the facility and 5 years of long-term care after  
705 closing, unless the department determines, based upon  
706 hydrogeologic conditions, the types of wastes received, or the  
707 groundwater monitoring results, that a different long-term care  
708 period is appropriate. However, unless the owner or operator of  
709 the facility is a local government, the escrow account described  
710 in s. 403.7125(2) may not be used as a financial assurance  
711 mechanism.

712 (d) The department shall establish training requirements  
713 for operators of facilities, and shall work with the State  
714 University System or other providers to assure that adequate  
715 training courses are available. The department shall also assist  
716 the Florida Home Builders Association in establishing a  
717 component of its continuing education program to address proper  
718 handling of construction and demolition debris, including best  
719 management practices for reducing contamination of the  
720 construction and demolition debris waste stream.

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

724 (f) A permit is not required under this section for the  
725 disposal of construction and demolition debris on the property

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726 where it is generated, but such property must be covered,  
727 graded, and vegetated as necessary when disposal is complete.

728 (g) By January 1, 2012, the amount of construction and  
729 demolition debris processed and recycled prior to disposal at a  
730 permitted materials recovery facility or at any other permitted  
731 disposal facility shall be reported by the county of origin to  
732 the department and to the county on an annual basis in  
733 accordance with rules adopted by the department. The rules shall  
734 establish criteria to ensure accurate and consistent reporting  
735 for purposes of determining the recycling rate in s. 403.706.  
736 The rule also shall provide that, to the extent economically  
737 feasible, all construction and demolition debris must be  
738 processed prior to disposal, either at a permitted waste  
739 processing facility or a permitted disposal facility. The rule  
740 also shall provide for uniform criteria and methodologies that  
741 are to be utilized, by the department, a city or a county, or an  
742 owner or operator of a facility, when determining or evidencing  
743 that the processing of construction and demolition debris is not  
744 economically feasible. This requirement does not apply to any  
745 recovered materials that have been source separated and offered  
746 for recycling or to materials that have been previously  
747 processed. As part of the rule development process, the  
748 department shall appoint a technical advisory committee  
749 including a representative from the Florida Association of  
750 Counties, the Florida League of Cities, the construction and  
751 demolition debris industry, the Florida Home Builders  
752 Association, the Florida Sunshine Chapter of the Solid Wastes  
753 Association of North America, the Florida Chapter of the  
754 National Solid Wastes Management Association, and the Florida

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755 Recyclers Association to aid in the development of such rules.  
756 ~~It is the policy of the Legislature to encourage facilities to~~  
757 ~~recycle. The department shall establish criteria and guidelines~~  
758 ~~that encourage recycling where practical and provide for the use~~  
759 ~~of recycled materials in a manner that protects the public~~  
760 ~~health and the environment. Facilities are authorized to~~  
761 ~~recycle, provided such activities do not conflict with such~~  
762 ~~criteria and guidelines.~~

763 (h) The department shall ensure that the requirements of  
764 this section are applied and interpreted consistently throughout  
765 the state. In accordance with s. 20.255, the Division of Waste  
766 Management shall direct the district offices and bureaus on  
767 matters relating to the interpretation and applicability of this  
768 section.

769 (i) The department shall provide notice of receipt of a  
770 permit application for the initial construction of a  
771 construction and demolition debris disposal facility to the  
772 local governments having jurisdiction where the facility is to  
773 be located.

774 (j) The Legislature recognizes that recycling, waste  
775 reduction, and resource recovery are important aspects of an  
776 integrated solid waste management program and as such are  
777 necessary to protect the public health and the environment. If  
778 necessary to promote such an integrated program, the county may  
779 determine, after providing notice and an opportunity for a  
780 hearing prior to April 30, 2008, that some or all of the  
781 material described in s. 403.703(6)(b) shall be excluded from  
782 the definition of "construction and demolition debris" in s.  
783 403.703(6) within the jurisdiction of such county. The county

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784 may make such a determination only if it finds that, prior to  
785 June 1, 2007, the county has established an adequate method for  
786 the use or recycling of such wood material at an existing or  
787 proposed solid waste management facility that is permitted or  
788 authorized by the department on June 1, 2007. The county is not  
789 required to hold a hearing if the county represents that it  
790 previously has held a hearing for such purpose, or if the county  
791 represents that it previously has held a public meeting or  
792 hearing that authorized such method for the use or recycling of  
793 trash or other nonputrescible waste materials and that such  
794 materials include those materials described in s. 403.703(6)(b).  
795 The county shall provide written notice of its determination to  
796 the department by no later than April 30, 2008; thereafter, the  
797 materials described in s. 403.703(6) shall be excluded from the  
798 definition of "construction and demolition debris" in s.  
799 403.703(6) within the jurisdiction of such county. The county  
800 may withdraw or revoke its determination at any time by  
801 providing written notice to the department.

802 (k) Brazilian pepper and other invasive exotic plant  
803 species as designated by the department resulting from  
804 eradication projects may be processed at permitted construction  
805 and demolition debris recycling facilities or disposed of at  
806 permitted construction and demolition debris disposal facilities  
807 or Class III facilities. The department may adopt rules to  
808 implement this paragraph.

809 Section 9. Section 403.7095, Florida Statutes, is amended  
810 to read:

811 403.7095 Solid waste management grant program.—

812 ~~(1) The department shall develop a competitive and~~

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813 ~~innovative grant program for counties, municipalities, special~~  
814 ~~districts, and nonprofit organizations that have legal~~  
815 ~~responsibility for the provision of solid waste management~~  
816 ~~services. For purposes of this program, "innovative" means that~~  
817 ~~the process, technology, or activity for which funding is sought~~  
818 ~~has not previously been implemented within the jurisdiction of~~  
819 ~~the applicant. The applicant must:~~

820 ~~(a) Demonstrate technologies or processes that represent a~~  
821 ~~novel application of an existing technology or process to~~  
822 ~~recycle or reduce waste, or that overcome obstacles to recycling~~  
823 ~~or waste reduction in new or innovative ways;~~

824 ~~(b) Demonstrate innovative processes to collect and recycle~~  
825 ~~or reduce materials targeted by the department and the recycling~~  
826 ~~industry; or~~

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

831  
832 ~~Because the Legislature recognizes that input from the recycling~~  
833 ~~industry is essential to the success of this grant program, the~~  
834 ~~department shall cooperate with private sector entities to~~  
835 ~~develop a process and define specific criteria for allowing~~  
836 ~~their participation with grant recipients.~~

837 ~~(2) The department shall evaluate and prioritize the annual~~  
838 ~~grant proposals and present the annual prioritized list of~~  
839 ~~projects to be funded to the Governor and the Legislature as~~  
840 ~~part of its annual budget request submitted pursuant to chapter~~  
841 ~~216. Potential grant recipients are encouraged to demonstrate~~

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842 ~~local support for grant proposals by the commitment of cash or~~  
843 ~~in-kind matching funds.~~

844 (1)~~(3)~~ The department shall develop a consolidated grant  
845 program for small counties having populations fewer than  
846 100,000, with grants to be distributed equally among eligible  
847 counties. Programs to be supported with the small-county  
848 consolidated grants include general solid waste management,  
849 litter prevention and control, and recycling and education  
850 programs.

851 (2)~~(4)~~ The department shall develop a waste tire grant  
852 program making grants available to all counties. The department  
853 shall ensure that at least 25 percent of the funding available  
854 for waste tire grants is distributed equally to each county  
855 having a population fewer than 100,000. Of the remaining funds  
856 distributed to counties having a population of 100,000 or  
857 greater, the department shall distribute those funds on the  
858 basis of population.

859 (3)~~(5)~~ From the funds made available pursuant to s.  
860 403.709(1)(e) for the grant program created by this section, the  
861 following distributions shall be made:

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

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

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

868 (4)~~(6)~~ The department may adopt rules necessary to  
869 administer this section, including, but not limited to, rules  
870 governing timeframes for submitting grant applications, criteria

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871 for prioritizing, matching criteria, maximum grant amounts, and  
872 allocation of appropriated funds based upon project and  
873 applicant size.

874 ~~(7) Notwithstanding any provision of this section to the~~  
875 ~~contrary, and for the 2009-2010 fiscal year only, the Department~~  
876 ~~of Environmental Protection shall award the sum of \$2,600,000 in~~  
877 ~~grants equally to counties having populations of fewer than~~  
878 ~~100,000 for waste tire and litter prevention, recycling~~  
879 ~~education, and general solid waste programs. This subsection~~  
880 ~~expires July 1, 2010.~~

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

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

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

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

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

894 403.7145 Recycling.—

895 (1) The Capitol and the House and Senate office buildings  
896 constitute the Capitol recycling area. The Florida House of  
897 Representatives, the Florida Senate, and the Office of the  
898 Governor, the Secretary of State, and each Cabinet officer who  
899 heads a department that occupies office space in the Capitol,

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900 shall institute a recycling program for their respective offices  
901 in the House and Senate office buildings and the Capitol.  
902 Provisions shall be made to collect and sell wastepaper and  
903 empty ~~aluminum~~ beverage containers ~~ears~~ generated by employee  
904 activities in these offices. The collection and sale of such  
905 materials shall be reported to Leon County using the  
906 department's designated reporting format and coordinated with  
907 Department of Management Services recycling activities to  
908 maximize the efficiency and economy of this program. The  
909 Governor, the Speaker of the House of Representatives, the  
910 President of the Senate, the Secretary of State, and the Cabinet  
911 officers may authorize the use of proceeds from recyclable  
912 material sales for employee benefits and other purposes, in  
913 order to provide incentives to their respective employees for  
914 participation in the recycling program. Such proceeds may also  
915 be used to offset any costs of the recycling program. As a  
916 demonstration of leading by example, the Capitol Building's  
917 recycling rates shall be posted on the website of the Department  
918 of Management Services and shall include the details of the  
919 recycling rates for each Department of Management Services pool  
920 facility. The Department of Environmental Protection shall post  
921 recycling rates of each state-owned facility reported to the  
922 Department of Management Services.

923 (3) The department shall develop and contract for an  
924 innovative recycling pilot project for the Capitol recycling  
925 area. The project shall be designed to collect recyclable  
926 materials and create a more sustainable recycling system.  
927 Components of the project shall be designed to increase  
928 convenience, incentivize and measure participation, reduce

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929 material volume, and assist in achieving the recycling goals  
930 enumerated in s. 403.706.

931 (4) Each public airport operating in this state shall, to  
932 the greatest extent practicable, collect beverage containers and  
933 recyclable plastic and glass from the airlines and other  
934 entities doing business at the airport and offer such materials  
935 for recycling and may retain the economic benefit of these  
936 activities to offset the costs associated with such collection.  
937 Airport administration offices, airport vendors, and airlines  
938 are encouraged to coordinate the collection of recyclable waste  
939 to the greatest extent practicable. The provisions of this  
940 subsection are not intended to interfere with any established  
941 recycling activity.

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

944 553.77 Specific powers of the commission.—

945 (1) The commission shall:

946 (m) Develop recommendations that increase residential and  
947 commercial recycling and composting, and strongly encourages the  
948 use of recyclable materials and the recycling of construction  
949 and demolition debris.

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

952 403.7049 Determination of full cost for solid waste  
953 management; local solid waste management fees.—

954 (5) In order to assist in achieving the municipal solid  
955 waste recycling ~~reduction~~ goal and the recycling provisions of  
956 s. 403.706(2) ~~s. 403.706(4)~~, a county or a municipality which  
957 owns or operates a solid waste management facility is hereby

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958 authorized to charge solid waste disposal fees which may vary  
959 based on a number of factors, including, but not limited to, the  
960 amount, characteristics, and form of recyclable materials  
961 present in the solid waste that is brought to the county's or  
962 the municipality's facility for processing or disposal.

963 Section 13. Section 288.1185, Florida Statutes, is  
964 repealed.

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