

By the Committee on Environmental Preservation and Conservation;  
and Senator Perry

592-03010-17

20171104c1

1                   A bill to be entitled  
2           An act relating to resource recovery and management;  
3           amending s. 403.703, F.S.; revising definitions;  
4           defining the terms "gasification," "post-use polymer,"  
5           "pyrolysis," and "pyrolysis facility"; amending s.  
6           403.7045, F.S.; providing that certain pyrolysis  
7           facilities are exempt from certain resource recovery  
8           regulations; conforming a cross-reference; amending s.  
9           403.7046, F.S.; authorizing recovered materials  
10          dealers to use pyrolysis facilities for recovered  
11          materials processing; amending ss. 171.205, 316.003,  
12          377.709, and 487.048, F.S.; conforming cross-  
13          references; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Present subsections (2) and (3) of section  
18           403.703, Florida Statutes, are redesignated as subsections (3)  
19           and (2), respectively, present subsections (10) through (22) of  
20           that section are redesignated as subsections (11) through (23),  
21           respectively, present subsection (23) of that section is  
22           redesignated as subsection (25), present subsections (24)  
23           through (43) of that section are redesignated as subsections  
24           (28) through (47), respectively, present subsections (27), (32),  
25           and (35) of that section are amended, and new subsections (10),  
26           (24), (26), and (27) are added to that section, to read:

27           403.703 Definitions.—As used in this part, the term:

28           (10) "Gasification" means a process through which post-use  
29           polymers are heated and converted to synthesis gas in an oxygen-

592-03010-17

20171104c1

30 deficient atmosphere, and then converted to crude oil, fuels, or  
31 chemical feedstocks.

32 (24) "Post-use polymer" means a plastic polymer that is  
33 derived from any domestic, commercial, or municipal activity;  
34 that is not recycled in commercial markets; and may otherwise  
35 become waste if not converted to manufacture crude oil, fuels,  
36 or other raw materials or intermediate or final products using  
37 gasification or pyrolysis. A post-use polymer may contain  
38 incidental contaminants or impurities such as paper labels or  
39 metal rings.

40 (26) "Pyrolysis" means a process through which post-use  
41 polymers are heated in the absence of oxygen until melted and  
42 thermally decomposed, and then cooled, condensed, and converted  
43 to:

44 (a) Crude oil, diesel, gasoline, home heating oil, or  
45 another fuel;

46 (b) Feedstocks;

47 (c) Diesel and gasoline blendstocks;

48 (d) Chemicals, waxes, or lubricants; or

49 (e) Other raw materials or intermediate or final products.

50 (27) "Pyrolysis facility" means a facility that receives,  
51 separates, stores, and converts post-use polymers, using  
52 gasification or pyrolysis. A pyrolysis facility meeting the  
53 conditions of s. 403.7045(1) (e) is not a solid waste management  
54 facility.

55 (31)~~(27)~~ "Recycling" means any process by which solid  
56 waste, or materials that would otherwise become solid waste, are  
57 collected, separated, or processed and reused or returned to use  
58 in the form of raw materials or intermediate or final products.

592-03010-17

20171104c1

59 Such raw materials or intermediate or final products may  
60 include, but are not limited to, crude oil, fuels, and fuel  
61 substitutes.

62 ~~(36)~~~~(32)~~ "Solid waste" means sludge unregulated under the  
63 federal Clean Water Act or Clean Air Act, sludge from a waste  
64 treatment works, water supply treatment plant, or air pollution  
65 control facility, or garbage, rubbish, refuse, special waste, or  
66 other discarded material, including solid, liquid, semisolid, or  
67 contained gaseous material resulting from domestic, industrial,  
68 commercial, mining, agricultural, or governmental operations.  
69 Recovered materials as defined in subsection (28) ~~(24)~~ are not  
70 solid waste.

71 ~~(39)~~~~(35)~~ "Solid waste management facility" means any solid  
72 waste disposal area, volume reduction plant, transfer station,  
73 materials recovery facility, or other facility, the purpose of  
74 which is resource recovery or the disposal, recycling,  
75 processing, or storage of solid waste. The term does not include  
76 recovered materials processing facilities or pyrolysis  
77 facilities that meet the requirements of s. 403.7046, except the  
78 portion of such facilities, if any, which is used for the  
79 management of solid waste.

80 Section 2. Subsection (1) of section 403.7045, Florida  
81 Statutes, is amended to read:

82 403.7045 Application of act and integration with other  
83 acts.—

84 (1) The following wastes or activities may ~~shall~~ not be  
85 regulated pursuant to this act:

86 (a) Byproduct material, source material, and special  
87 nuclear material, the generation, transportation, disposal,

592-03010-17

20171104c1

88 storage, or treatment of which is regulated under chapter 404 or  
89 the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat. 923,  
90 as amended;

91 (b) Suspended solids and dissolved materials in domestic  
92 sewage effluent or irrigation return flows or other discharges  
93 which are point sources subject to permits pursuant to this  
94 chapter or s. 402 of the Clean Water Act, Pub. L. No. 95-217;

95 (c) Emissions to the air from a stationary installation or  
96 source regulated under this chapter or the Clean Air Act, Pub.  
97 L. No. 95-95;

98 (d) Drilling fluids, produced waters, and other wastes  
99 associated with the exploration for, or development and  
100 production of, crude oil or natural gas which are regulated  
101 under chapter 377; or

102 (e) Recovered materials, ~~or~~ recovered materials processing  
103 facilities, or pyrolysis facilities, except as provided in s.  
104 403.7046, if:

105 1. A majority of the recovered materials at the facility  
106 are demonstrated to be sold, used, or reused within 1 year. As  
107 used in this subparagraph, the terms "used" or "reused" include,  
108 but are not limited to, the conversion of post-use polymers into  
109 crude oil, fuels, feedstocks, or other raw materials or  
110 intermediate or final products by gasification or pyrolysis.

111 2. The recovered materials handled by the facility or the  
112 products or byproducts of operations that process recovered  
113 materials are not discharged, deposited, injected, dumped,  
114 spilled, leaked, or placed into or upon any land or water by the  
115 owner or operator of the ~~such~~ facility so that the ~~such~~  
116 recovered materials, products or byproducts, or any constituent

592-03010-17

20171104c1

117 thereof may enter other lands or be emitted into the air or  
118 discharged into any waters, including groundwaters, or otherwise  
119 enter the environment such that a threat of contamination in  
120 excess of applicable department standards and criteria is  
121 caused.

122 3. The recovered materials handled by the facility are not  
123 hazardous wastes as defined in ~~under~~ s. 403.703, and in rules  
124 adopted under this section ~~promulgated pursuant thereto~~.

125 4. The facility is registered as required in s. 403.7046.

126 (f) Industrial byproducts, if:

127 1. A majority of the industrial byproducts are demonstrated  
128 to be sold, used, or reused within 1 year.

129 2. The industrial byproducts are not discharged, deposited,  
130 injected, dumped, spilled, leaked, or placed upon any land or  
131 water so that such industrial byproducts, or any constituent  
132 thereof, may enter other lands or be emitted into the air or  
133 discharged into any waters, including groundwaters, or otherwise  
134 enter the environment such that a threat of contamination in  
135 excess of applicable department standards and criteria or a  
136 significant threat to public health is caused.

137 3. The industrial byproducts are not hazardous wastes as  
138 defined in ~~under~~ s. 403.703 and in rules adopted under this  
139 section.

140  
141 Sludge from an industrial waste treatment works that meets the  
142 exemption requirements of this paragraph is not solid waste as  
143 defined in s. 403.703 ~~403.703(32)~~.

144 Section 3. Paragraph (b) of subsection (3) of section  
145 403.7046, Florida Statutes, is amended to read:

592-03010-17

20171104c1

146 403.7046 Regulation of recovered materials.—

147 (3) Except as otherwise provided in this section or  
148 pursuant to a special act in effect on or before January 1,  
149 1993, a local government may not require a commercial  
150 establishment that generates source-separated recovered  
151 materials to sell or otherwise convey its recovered materials to  
152 the local government or to a facility designated by the local  
153 government, nor may the local government restrict such a  
154 generator's right to sell or otherwise convey such recovered  
155 materials to any properly certified recovered materials dealer  
156 who has satisfied the requirements of this section. A local  
157 government may not enact any ordinance that prevents such a  
158 dealer from entering into a contract with a commercial  
159 establishment to purchase, collect, transport, process, or  
160 receive source-separated recovered materials.

161 (b)1. Before engaging in business within the jurisdiction  
162 of the local government, a recovered materials dealer must  
163 provide the local government with a copy of the certification  
164 provided for in this section. In addition, the local government  
165 may establish a registration process whereby a recovered  
166 materials dealer must register with the local government before  
167 engaging in business within the jurisdiction of the local  
168 government. Such registration process is limited to requiring  
169 the dealer to register its name, including the owner or operator  
170 of the dealer, and, if the dealer is a business entity, its  
171 general or limited partners, its corporate officers and  
172 directors, its permanent place of business, evidence of its  
173 certification under this section, and a certification that the  
174 recovered materials will be processed at a recovered materials

592-03010-17

20171104c1

175 processing facility or pyrolysis facility satisfying the  
176 requirements of this section. The local government may not use  
177 the information provided in the registration application to  
178 compete unfairly with the recovered materials dealer until 90  
179 days after receipt of the application. All counties, and  
180 municipalities whose population exceeds 35,000 according to the  
181 population estimates determined pursuant to s. 186.901, may  
182 establish a reporting process that must be limited to the  
183 regulations, reporting format, and reporting frequency  
184 established by the department pursuant to this section, which  
185 must, at a minimum, include requiring the dealer to identify the  
186 types and approximate amount of recovered materials collected,  
187 recycled, or reused during the reporting period; the approximate  
188 percentage of recovered materials reused, stored, or delivered  
189 to a recovered materials processing facility or pyrolysis  
190 facility or disposed of in a solid waste disposal facility; and  
191 the locations where any recovered materials were disposed of as  
192 solid waste. The local government may charge the dealer a  
193 registration fee commensurate with and no greater than the cost  
194 incurred by the local government in operating its registration  
195 program. Registration program costs are limited to those costs  
196 associated with the activities described in this subparagraph.  
197 Any reporting or registration process established by a local  
198 government with regard to recovered materials is governed by  
199 this section and department rules adopted pursuant thereto.

200 2. Information reported under this subsection which, if  
201 disclosed, would reveal a trade secret, as defined in s.  
202 812.081, is confidential and exempt from s. 119.07(1) and s.  
203 24(a), Art. I of the State Constitution. This subparagraph is

592-03010-17

20171104c1

204 subject to the Open Government Sunset Review Act in accordance  
205 with s. 119.15 and shall stand repealed on October 2, 2021,  
206 unless reviewed and saved from repeal through reenactment by the  
207 Legislature.

208 Section 4. Subsection (2) of section 171.205, Florida  
209 Statutes, is amended to read:

210 171.205 Consent requirements for annexation of land under  
211 this part.—Notwithstanding part I, an interlocal service  
212 boundary agreement may provide a process for annexation  
213 consistent with this section or with part I.

214 (2) If the area to be annexed includes a privately owned  
215 solid waste disposal facility as defined in s. 403.703  
216 ~~403.703(33)~~ which receives municipal solid waste collected  
217 within the jurisdiction of multiple local governments, the  
218 annexing municipality must set forth in its plan the effects  
219 that the annexation of the solid waste disposal facility will  
220 have on the other local governments. The plan must also indicate  
221 that the owner of the affected solid waste disposal facility has  
222 been contacted in writing concerning the annexation, that an  
223 agreement between the annexing municipality and the solid waste  
224 disposal facility to govern the operations of the solid waste  
225 disposal facility if the annexation occurs has been approved,  
226 and that the owner of the solid waste disposal facility does not  
227 object to the proposed annexation.

228 Section 5. Subsection (28) of section 316.003, Florida  
229 Statutes, is amended to read:

230 316.003 Definitions.—The following words and phrases, when  
231 used in this chapter, shall have the meanings respectively  
232 ascribed to them in this section, except where the context

592-03010-17

20171104c1

233 otherwise requires:

234 (28) HAZARDOUS MATERIAL.—Any substance or material which  
235 has been determined by the secretary of the United States  
236 Department of Transportation to be capable of imposing an  
237 unreasonable risk to health, safety, and property. This term  
238 includes hazardous waste as defined in s. 403.703 ~~403.703(13)~~.

239 Section 6. Paragraph (f) of subsection (2) of section  
240 377.709, Florida Statutes, is amended to read:

241 377.709 Funding by electric utilities of local governmental  
242 solid waste facilities that generate electricity.—

243 (2) DEFINITIONS.—As used in this section, the term:

244 (f) "Solid waste facility" means a facility owned or  
245 operated by, or on behalf of, a local government for the purpose  
246 of disposing of solid waste, as ~~that term is~~ defined in s.  
247 403.703 ~~403.703(32)~~, by any process that produces heat and  
248 incorporates, as a part of the facility, the means of converting  
249 heat to electrical energy in amounts greater than actually  
250 required for the operation of the facility.

251 Section 7. Subsection (1) of section 487.048, Florida  
252 Statutes, is amended to read:

253 487.048 Dealer's license; records.—

254 (1) Each person holding or offering for sale, selling, or  
255 distributing restricted-use pesticides must obtain a dealer's  
256 license from the department. Application for the license shall  
257 be filed with the department by using a form prescribed by the  
258 department or by using the department's website. The license  
259 must be obtained before entering into business or transferring  
260 ownership of a business. The department may require examination  
261 or other proof of competency of individuals to whom licenses are

592-03010-17

20171104c1

262 issued or of individuals employed by persons to whom licenses  
263 are issued. Demonstration of continued competency may be  
264 required for license renewal, as set by rule. The license shall  
265 be renewed annually as provided by rule. An annual license fee  
266 not exceeding \$250 shall be established by rule. However, a user  
267 of a restricted-use pesticide may distribute unopened containers  
268 of a properly labeled pesticide to another user who is legally  
269 entitled to use that restricted-use pesticide without obtaining  
270 a pesticide dealer license. The exclusive purpose of  
271 distribution of the restricted-use pesticide is to keep it from  
272 becoming a hazardous waste as defined in s. 403.703 ~~403.703(13)~~.

273 Section 8. This act shall take effect July 1, 2017.

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