

1                                   A bill to be entitled  
 2           An act relating to resource recovery and management;  
 3           amending s. 403.703, F.S.; providing and revising  
 4           definitions; amending s. 403.7045, F.S.; revising  
 5           criteria for exempting recovered materials and  
 6           recovered materials processing facilities from  
 7           specified regulations; amending ss. 171.205, 316.003,  
 8           377.709, and 487.048, F.S.; conforming cross-  
 9           references; providing an effective date.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

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

22           403.703 Definitions.—As used in this part, the term:  
 23           (10) "Gasification" means a process through which  
 24 recovered materials are heated and converted to synthesis gas in  
 25 an oxygen-deficient atmosphere, and then converted to crude,

26 fuels, or chemical feedstocks.

27 (24) "Post-use polymer" means a polymer that is derived  
28 from any domestic, commercial, or municipal activity and  
29 recycled in commercial markets which might otherwise become  
30 waste if not converted to manufacture crude, fuels, or other raw  
31 materials or intermediate or final products using gasification,  
32 pyrolysis, or another thermal conversion process. A post-use  
33 polymer as defined in this subsection may contain incidental  
34 contaminants or impurities such as paper labels or metal rings.

35 (26) "Pyrolysis" means a process through which recovered  
36 materials are heated in the absence of oxygen until melted and  
37 thermally decomposed, and then cooled, condensed, and converted  
38 to:

39 (a) Crude oil, diesel, gasoline, home heating oil, or  
40 another fuel;

41 (b) Feedstocks;

42 (c) Diesel and gasoline blendstocks;

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

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

45 (27) "Pyrolysis facility" means a facility that collects,  
46 separates, stores, and converts recovered materials using  
47 gasification, pyrolysis, or another thermal conversion process.  
48 A pyrolysis facility as defined in this subsection is not a  
49 waste management facility.

50 (28)-(24) "Recovered materials" means metal, paper, glass,

51 plastic, textile, or rubber materials that have known recycling  
 52 potential, can be feasibly recycled, and have been diverted and  
 53 source separated or have been removed from the solid waste  
 54 stream for sale, use, or reuse as raw materials, whether or not  
 55 the materials require subsequent processing or separation from  
 56 each other, and include post-use polymers that are converted to  
 57 manufacture crude, fuels, or other raw materials or intermediate  
 58 or final products using gasification, pyrolysis, or another  
 59 thermal conversion process. ~~but~~ The term does not include  
 60 materials destined for any use that constitutes disposal.  
 61 Recovered materials as defined ~~described~~ in this subsection are  
 62 not solid waste.

63 ~~(29)-(25)~~ "Recovered materials processing facility" means a  
 64 facility, including a pyrolysis facility, engaged solely in the  
 65 storage, processing, recycling, resale, or reuse of recovered  
 66 materials. ~~Such~~ A recovered materials processing facility as  
 67 defined in this subsection is not a solid waste management  
 68 facility if it meets the conditions of s. 403.7045(1)(e).

69 ~~(31)-(27)~~ "Recycling" means any process by which solid  
 70 waste, or materials that would otherwise become solid waste, are  
 71 collected, separated, or processed and reused or returned to use  
 72 in the form of raw materials or intermediate or final products,  
 73 including, but not limited to, crude, fuels, and fuel  
 74 substitutes.

75 ~~(36)-(32)~~ "Solid waste" means sludge unregulated under the

76 federal Clean Water Act or Clean Air Act, sludge from a waste  
77 treatment works, water supply treatment plant, or air pollution  
78 control facility, or garbage, rubbish, refuse, special waste, or  
79 other discarded material, including solid, liquid, semisolid, or  
80 contained gaseous material resulting from domestic, industrial,  
81 commercial, mining, agricultural, or governmental operations.  
82 Recovered materials as defined in subsection (28) ~~(24)~~ are not  
83 solid waste.

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

86 403.7045 Application of act and integration with other  
87 acts.—

88 (1) The following wastes or activities shall not be  
89 regulated pursuant to this act:

90 (a) Byproduct material, source material, and special  
91 nuclear material, the generation, transportation, disposal,  
92 storage, or treatment of which is regulated under chapter 404 or  
93 the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat. 923,  
94 as amended;

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

99 (c) Emissions to the air from a stationary installation or  
100 source regulated under this chapter or the Clean Air Act, Pub.

101 L. No. 95-95;

102 (d) Drilling fluids, produced waters, and other wastes  
103 associated with the exploration for, or development and  
104 production of, crude oil or natural gas which are regulated  
105 under chapter 377; or

106 (e) Recovered materials or recovered materials processing  
107 facilities, except as provided in s. 403.7046, if:

108 1. A majority of the recovered materials at the facility  
109 are demonstrated to be sold, used, or reused within 1 year. As  
110 used in this subparagraph, the term "used or reused" includes  
111 the conversion of recovered materials into crude, fuels,  
112 feedstocks, or other raw materials or intermediate or final  
113 products by gasification or pyrolysis, as defined in s. 403.703,  
114 or by another thermal conversion process.

115 2. The recovered materials handled by the facility or the  
116 products or byproducts of operations that process recovered  
117 materials are not discharged, deposited, injected, dumped,  
118 spilled, leaked, or placed into or upon any land or water by the  
119 owner or operator of the ~~such~~ facility so that the ~~such~~  
120 recovered materials, products or byproducts, or any constituent  
121 thereof may enter other lands or be emitted into the air or  
122 discharged into any waters, including groundwaters, or otherwise  
123 enter the environment such that a threat of contamination in  
124 excess of applicable department standards and criteria is  
125 caused.

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

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

130           (f) Industrial byproducts, if:

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

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

141           3. The industrial byproducts are not hazardous wastes as  
 142 defined in ~~under~~ s. 403.703 and rules adopted under this  
 143 section.

144  
 145 Sludge from an industrial waste treatment works that meets the  
 146 exemption requirements of this paragraph is not solid waste as  
 147 defined in s. 403.703 ~~403.703(32)~~.

148           Section 3. Subsection (2) of section 171.205, Florida  
 149 Statutes, is amended to read:

150           171.205 Consent requirements for annexation of land under

151 this part.—Notwithstanding part I, an interlocal service  
152 boundary agreement may provide a process for annexation  
153 consistent with this section or with part I.

154 (2) If the area to be annexed includes a privately owned  
155 solid waste disposal facility as defined in s. 403.703  
156 ~~403.703(33)~~ which receives municipal solid waste collected  
157 within the jurisdiction of multiple local governments, the  
158 annexing municipality must set forth in its plan the effects  
159 that the annexation of the solid waste disposal facility will  
160 have on the other local governments. The plan must also indicate  
161 that the owner of the affected solid waste disposal facility has  
162 been contacted in writing concerning the annexation, that an  
163 agreement between the annexing municipality and the solid waste  
164 disposal facility to govern the operations of the solid waste  
165 disposal facility if the annexation occurs has been approved,  
166 and that the owner of the solid waste disposal facility does not  
167 object to the proposed annexation.

168 Section 4. Subsection (28) of section 316.003, Florida  
169 Statutes, is amended to read:

170 316.003 Definitions.—The following words and phrases, when  
171 used in this chapter, shall have the meanings respectively  
172 ascribed to them in this section, except where the context  
173 otherwise requires:

174 (28) HAZARDOUS MATERIAL.—Any substance or material which  
175 has been determined by the secretary of the United States

176 Department of Transportation to be capable of imposing an  
 177 unreasonable risk to health, safety, and property. This term  
 178 includes hazardous waste as defined in s. 403.703 ~~403.703(13)~~.

179 Section 5. Paragraph (f) of subsection (2) of section  
 180 377.709, Florida Statutes, is amended to read:

181 377.709 Funding by electric utilities of local  
 182 governmental solid waste facilities that generate electricity.—

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

184 (f) "Solid waste facility" means a facility owned or  
 185 operated by, or on behalf of, a local government for the purpose  
 186 of disposing of solid waste, as ~~that term is~~ defined in s.  
 187 403.703 ~~403.703(32)~~, by any process that produces heat and  
 188 incorporates, as a part of the facility, the means of converting  
 189 heat to electrical energy in amounts greater than actually  
 190 required for the operation of the facility.

191 Section 6. Subsection (1) of section 487.048, Florida  
 192 Statutes, is amended to read:

193 487.048 Dealer's license; records.—

194 (1) Each person holding or offering for sale, selling, or  
 195 distributing restricted-use pesticides must obtain a dealer's  
 196 license from the department. Application for the license shall  
 197 be filed with the department by using a form prescribed by the  
 198 department or by using the department's website. The license  
 199 must be obtained before entering into business or transferring  
 200 ownership of a business. The department may require examination

201 or other proof of competency of individuals to whom licenses are  
202 issued or of individuals employed by persons to whom licenses  
203 are issued. Demonstration of continued competency may be  
204 required for license renewal, as set by rule. The license shall  
205 be renewed annually as provided by rule. An annual license fee  
206 not exceeding \$250 shall be established by rule. However, a user  
207 of a restricted-use pesticide may distribute unopened containers  
208 of a properly labeled pesticide to another user who is legally  
209 entitled to use that restricted-use pesticide without obtaining  
210 a pesticide dealer license. The exclusive purpose of  
211 distribution of the restricted-use pesticide is to keep it from  
212 becoming a hazardous waste as defined in s. 403.703 ~~403.703(13)~~.

213 Section 7. This act shall take effect July 1, 2017.