



207382

LEGISLATIVE ACTION

Senate

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House

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The Committee on Community Affairs (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 120 - 236

and insert:

(22) Counties and municipalities must address the contamination of recyclable material in contracts for the collection, transportation, and processing of residential recyclable material based upon the following:

(a) A residential recycling collector may not be required to collect or transport contaminated recyclable material, except



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11 pursuant to a contract consistent with paragraph (c). As used in  
12 this subsection, the term "residential recycling collector"  
13 means a for-profit business entity that collects and transports  
14 residential recyclable material on behalf of a county or  
15 municipality.

16 (b) A recovered materials processing facility may not be  
17 required to process contaminated recyclable material, except  
18 pursuant to a contract consistent with paragraph (d).

19 (c) Each contract between a residential recycling collector  
20 and a county or municipality for the collection or transport of  
21 residential recyclable material, and each request for proposal  
22 or other solicitation for residential recyclable material, must  
23 define the term "contaminated recyclable material." The term  
24 should be defined in a manner that is appropriate for the local  
25 community, taking into consideration available markets for  
26 recyclable material, available waste composition studies, and  
27 other relevant factors. The contract and request for proposal or  
28 other solicitation must include:

29 1. The respective strategies and obligations of the county  
30 or municipality and the residential recycling collector to  
31 reduce the amount of contaminated recyclable material being  
32 collected;

33 2. The procedures for identifying, documenting, managing,  
34 and rejecting residential recycling containers, carts, or bins  
35 that contain contaminated recyclable material;

36 3. The remedies authorized to be used if a container, cart,  
37 or bin contains contaminated recyclable material; and

38 4. The education and enforcement measures that will be used  
39 to reduce the amount of contaminated recyclable material.



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40       (d) Each contract between a recovered materials processing  
41 facility and a county or municipality for processing residential  
42 recyclable material, and each request for proposal or other  
43 solicitation for processing residential recyclable material,  
44 must define the term "contaminated recyclable material." The  
45 term should be defined in a manner that is appropriate for the  
46 local community, taking into consideration available markets for  
47 recyclable material, available waste composition studies, and  
48 other relevant factors. The contract and request for proposal  
49 must include:

50       1. The respective strategies and obligations of the county  
51 or municipality and the facility to reduce the amount of  
52 contaminated recyclable material being collected and processed;

53       2. The procedures for identifying, documenting, managing,  
54 and rejecting residential recycling containers, carts, or bins  
55 that contain contaminated recyclable material; and

56       3. The remedies authorized to be used if a container or  
57 load contains contaminated recyclable material.

58       (e) This subsection applies to each contract between a  
59 municipality or county and a residential recycling collector or  
60 recovered materials processing facility executed or renewed  
61 after July 1, 2018.

62       Section 4. Subsection (1) of section 403.813, Florida  
63 Statutes, is amended to read:

64       403.813 Permits issued at district centers; exceptions.—

65       (1) A permit is not required under this chapter, chapter  
66 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
67 chapter 25270, 1949, Laws of Florida, and a local government may  
68 not require an individual claiming this exemption to provide



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69 further department verification, for activities associated with  
70 the following types of projects; however, except as otherwise  
71 provided in this subsection, this subsection does not relieve an  
72 applicant from any requirement to obtain permission to use or  
73 occupy lands owned by the Board of Trustees of the Internal  
74 Improvement Trust Fund or a water management district in its  
75 governmental or proprietary capacity or from complying with  
76 applicable local pollution control programs authorized under  
77 this chapter or other requirements of county and municipal  
78 governments:

79 (a) The installation of overhead transmission lines, having  
80 ~~with~~ support structures that ~~which~~ are not constructed in waters  
81 of the state and which do not create a navigational hazard.

82 (b) The installation and repair of mooring pilings and  
83 dolphins associated with private docking facilities or piers and  
84 the installation of private docks, piers, and recreational  
85 docking facilities, or piers and recreational docking facilities  
86 of local governmental entities when the local governmental  
87 entity's activities will not take place in any manatee habitat,  
88 any of which docks:

89 1. Has 500 square feet or less of over-water surface area  
90 for a dock ~~which is~~ located in an area designated as Outstanding  
91 Florida Waters or 1,000 square feet or less of over-water  
92 surface area for a dock ~~which is~~ located in an area that ~~which~~  
93 is not designated as Outstanding Florida Waters;

94 2. Is constructed on or held in place by pilings or is a  
95 floating dock ~~which is~~ constructed so as not to involve filling  
96 or dredging other than that necessary to install the pilings;

97 3. May ~~Shall~~ not substantially impede the flow of water or



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98 create a navigational hazard;

99 4. Is used for recreational, noncommercial activities  
100 associated with the mooring or storage of boats and boat  
101 paraphernalia; and

102 5. Is the sole dock constructed pursuant to this exemption  
103 as measured along the shoreline for a distance of 65 feet,  
104 unless the parcel of land or individual lot as platted is less  
105 than 65 feet in length along the shoreline, in which case there  
106 may be one exempt dock allowed per parcel or lot.

107

108 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department  
109 from taking appropriate enforcement action pursuant to this  
110 chapter to abate or prohibit any activity otherwise exempt from  
111 permitting pursuant to this paragraph if the department can  
112 demonstrate that the exempted activity has caused water  
113 pollution in violation of this chapter.

114 (c) The installation and maintenance to design  
115 specifications of boat ramps on artificial bodies of water where  
116 navigational access to the proposed ramp exists or the  
117 installation of boat ramps open to the public in any waters of  
118 the state where navigational access to the proposed ramp exists  
119 and where the construction of the proposed ramp will be less  
120 than 30 feet wide and will involve the removal of less than 25  
121 cubic yards of material from the waters of the state, and the  
122 maintenance to design specifications of such ramps; however, the  
123 material to be removed shall be placed upon a self-contained  
124 upland site so as to prevent the escape of the spoil material  
125 into the waters of the state.

126 (d) The replacement or repair of existing docks and piers,



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127 except that fill material may not be used and the replacement or  
128 repaired dock or pier must be within 5 feet of the same location  
129 and no larger in size than the existing dock or pier, and  
130 additional aquatic resources may not be adversely and  
131 permanently impacted by such replacement or repair in the same  
132 location and of

133

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

135 And the title is amended as follows:

136 Delete lines 22 - 29

137 and insert:

138 residential recycling collectors except under certain  
139 conditions; defining the term "residential recycling  
140 collector"; prohibiting counties and municipalities  
141 from requiring the processing of contaminated  
142 recyclable material by recovered materials processing  
143 facilities except under certain conditions; specifying  
144 required contract provisions in residential recycling  
145 collector and recovered materials processing facility  
146 contracts with counties and municipalities; providing  
147 applicability; amending s. 403.813, F.S.; prohibiting  
148 a local government from requiring an individual to  
149 provide further department verification for certain  
150 projects; revising the