

**By** the Committee on Transportation; and Senators Trumbull, Burgess, Gruters, and Ingoglia

596-02775-23

20231258c1

1                                   A bill to be entitled  
2       An act relating to the use of phosphogypsum; amending  
3       s. 336.044, F.S.; authorizing the Department of  
4       Transportation to undertake demonstration projects  
5       using phosphogypsum in road construction aggregate  
6       material to determine its feasibility as a paving  
7       material; creating s. 337.02611, F.S.; requiring the  
8       department to conduct a study on the suitability of  
9       using phosphogypsum as a construction aggregate  
10      material; providing requirements for the study;  
11      providing that such materials may be used as a  
12      construction aggregate material in accordance with  
13      specified regulations if the department determines it  
14      suitable for such use; amending s. 403.7045, F.S.;  
15      prohibiting phosphogypsum from being regulated as  
16      solid waste if used in accordance with an allowed use  
17      under specified federal regulations and approvals;  
18      providing that phosphogypsum may be placed in stack  
19      systems permitted by the department; providing an  
20      effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24       Section 1. Subsection (2) of section 336.044, Florida  
25 Statutes, is amended to read:

26       336.044 Use of recyclable materials in construction.—

27       (2) The Legislature declares it to be in the public  
28 interest to find alternative ways to use certain recyclable  
29 materials that currently are part of the solid waste stream and

596-02775-23

20231258c1

30 that contribute to problems of declining space in landfills. To  
31 determine the feasibility of using certain recyclable materials  
32 for paving materials, the department may undertake demonstration  
33 projects using all of the following materials in road  
34 construction:

35 (a) Ground rubber from automobile tires in road resurfacing  
36 or subbase materials for roads.~~†~~

37 (b) Ash residue from coal combustion byproducts for  
38 concrete and ash residue from waste incineration facilities and  
39 oil combustion byproducts for subbase material.~~†~~

40 (c) Recycled mixed-plastic material for guardrail posts or  
41 right-of-way fence posts.~~†~~

42 (d) Construction steel, including reinforcing rods and I-  
43 beams, manufactured from scrap metals disposed of in the state.~~†~~  
44 and

45 (e) Glass~~†~~ and glass aggregates.

46 (f) Phosphogypsum from phosphate production in road  
47 construction aggregate material.

48 Section 2. Section 337.02611, Florida Statutes, is created  
49 to read:

50 337.02611 Phosphogypsum as a construction aggregate  
51 material; study.-

52 (1) The department shall conduct a study to evaluate the  
53 suitability of using phosphogypsum as a construction aggregate  
54 material as defined in s. 337.0261(1). The department may  
55 consider any prior or ongoing studies of phosphogypsum's road  
56 suitability in the fulfillment of this duty. The study and a  
57 determination of suitability must be completed by January 1,  
58 2024.

596-02775-23

20231258c1

59       (2) Upon a determination of suitability by the department,  
60 phosphogypsum from phosphate production may be used as a  
61 construction aggregate material in accordance with the  
62 conditions of the United States Environmental Protection Agency  
63 approval for the use.

64       Section 3. Paragraph (f) of subsection (1) of section  
65 403.7045, Florida Statutes, is amended to read:

66       403.7045 Application of act and integration with other  
67 acts.—

68       (1) The following wastes or activities may not be regulated  
69 pursuant to this act:

70       (f) Industrial byproducts, if:

71       1. A majority of the industrial byproducts are demonstrated  
72 to be sold, used, or reused within 1 year;~~—~~

73       2. The industrial byproducts are not discharged, deposited,  
74 injected, dumped, spilled, leaked, or placed upon any land or  
75 water so that such industrial byproducts, or any constituent  
76 thereof, may enter other lands or be emitted into the air or  
77 discharged into any waters, including groundwaters, or otherwise  
78 enter the environment such that a threat of contamination in  
79 excess of applicable department standards and criteria or a  
80 significant threat to public health is caused; and~~—~~

81       3. The industrial byproducts are not hazardous wastes as  
82 defined in s. 403.703 and rules adopted under this section.

83  
84 Sludge from an industrial waste treatment works that meets the  
85 exemption requirements of this paragraph is not solid waste as  
86 defined in s. 403.703. Phosphogypsum used in accordance with an  
87 allowed use expressly specified in United States Environmental

596-02775-23

20231258c1

88 Protection Agency regulations or pursuant to an express United  
89 States Environmental Protection Agency approval for the specific  
90 use is not solid waste as defined in s. 403.703 and shall be an  
91 allowed use in this state. Phosphogypsum may be placed in a  
92 phosphogypsum stack system permitted by the department pursuant  
93 to ss. 403.4154 and 403.4155.

94 Section 4. This act shall take effect July 1, 2023.