Committee on Environmental Protection

Wednesday, March 7, 2007
9:00 AM – 12:00 PM
212 Knott Building

REVISED

Marco Rubio
Speaker

Rep. Trudi Williams
Chair

AGENDA
Committee on Environmental Protection
March 07, 2007
9:00 a.m. – 12:00 p.m.
212 Knott Building

I. Call to Order/Roll Call

II. Opening Remarks/Introduction by Chair Williams

III. Recommendations with respect to PCB ENRC 07-02 Solid Waste

IV. Recommendations with respect to PCB ENRC 07-05 Florida Action Partnership

V. Recommendations with respect to PCB ENRC 07-04 Gold Star Permitting

VI. Northwest Florida Water Management District: Budget Presentation

VII. Suwannee River Water Management District: Budget Presentation

VIII. Alternative Water Supply/Desalinization

IX. Closing Remarks/Adjournment

221 The Capitol, 402 South Monroe Street, Tallahassee, Florida 32399-1300
850-922-6183

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ENRC 07-02 Solid Waste
SPONSOR(S): Environment & Natural Resources Council
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Environment & Natural Resources Council			
Committee on Environmental Protection		Deslatte	Kliner
1)			
2)			
3)			
4)			

SUMMARY ANALYSIS

The bill makes a number of technical amendments to correct cross-references, delete certain obsolete provisions and dates from the solid waste management statutes, and addresses other issues which have arisen since the last major rewrite of the Solid Waste Management Act (SWMA). For instance, the bill:

- Deletes obsolete definitions, and alphabetizes and consolidates remaining definitions
- Deletes obsolete language relating to Class II landfills and compost standards
- Clarifies the circumstances under which industrial byproducts are not regulated under the SWMA
- Deletes provisions relating to biomedical incinerators
- Provides for the management of storm-generated debris.

The bill also proposes numerous amendments relating to the regulation of hazardous waste, for instance:

- Extends the duration of certain solid and hazardous waste research, development, and demonstration permits
- Deletes a requirement for a separate report on hazardous waste management
- Authorizes the DEP to issue authorizations which include both permits and clean closure orders for hazardous waste facilities
- Clarifies the provisions relating to the posting of signs on certain properties contaminated by hazardous wastes
- Allows the DEP to issue orders requiring the prompt abatement of an imminent hazard caused by a hazardous substance
- Reduces the local match requirement for local governments in order to receive certain hazardous waste collection grants, and provides exceptions from the match requirement.

Fiscal: Consolidation of certain requirements my result in a positive, yet insignificant impact on the budget of the Department of Environmental Protection.

See Part I.B., EFFECT OF PROPOSED CHANGES, for a complete list of changes proposed by the bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Limited Government: The Department of Environmental Protection will no longer be required to submit separate reports regarding hazardous waste management and used oil. This information will be consolidated in the department's Solid Waste Management in Florida report, thereby potentially saving personnel time and publication costs.

In order to be eligible to receive a hazardous waste collection grant, local governments currently must match the entire grant amount. This bill reduces the match requirement to 25 percent of the grant amount, and allows the match to be waived under certain circumstances. This may permit more local governments to take advantage of this grant program.

B. EFFECT OF PROPOSED CHANGES:

Current Situation

The Solid Waste Management Act (SWMA) was enacted in 1988 to provide comprehensive programs to promote recycling and reduce the volume of materials going to landfills. The SWMA mandated waste minimization, conservation of landfill space, litter control, and recycling and required the involvement and cooperation of Florida's residents, businesses, and visitors. Several state agencies were given responsibilities under SWMA, with the Department of Environmental Regulation having the lead responsibility for developing the state program, adopting all regulations and standards, permitting facilities, and managing biohazardous waste.

A major provision of the SWMA required all counties to initiate recycling programs to separate and offer for recycling a majority of aluminum cans, glass, newspaper, and plastic bottles. As part of their recycling programs, local governments were encouraged to separate all plastics, metals, and all grades of paper for recycling prior to final disposal and were also encouraged to recycle yard trash and other mechanically treated solid waste into compost available for agricultural and other acceptable uses.

Counties were required to achieve a waste reduction goal of 30 percent by 1994. No more than one-half of the goal could be met with yard trash, white goods (primarily discarded appliances), construction and demolition (C&D) debris, and tires. The goal could be modified or reduced for any county that demonstrated it would have an adverse impact on the financial obligations of the county regarding waste to energy facilities (WTE).

To assist the counties in their recycling efforts, the SWMA established certain grant programs. The types of grants available included small county grants, recycling and education grants, waste tire grants, and litter and marine debris prevention grants.

The SWMA also provided for a waste newsprint fee, a waste tire fee, and the implementation of an advance disposal fee if certain recycling conditions were not met.

The Solid Waste Management Trust Fund (SWMTF) was created to fund solid waste management activities.

In 1993, the SWMA was significantly rewritten to update and refine the act. Major features of this rewrite included:

- Creating the Recycling Markets Advisory Committee in the Department of Commerce.[1]
- Providing significant new provisions relating to the advance disposal fee and statewide litter program. Initially, the advanced disposal fee was 1 cent per container with an increase to 2 cents on January 1, 1995. The estimated proceeds of the fee ($22 million) were deposited into the SWMTF to be used to supplement recycling grants, Surface Water Improvement and Management or SWIM program, Sewage Treatment Revolving Loan, and Small Community Sewer Construction Assistance. The advance disposal fee and the waste newsprint fee provisions expired on October 1, 1995, as provided in ch. 88-130, Laws of Florida.
- Providing new requirements for permitting WTE facilities and commercial hazardous waste incinerators in the state. No commercial hazardous waste incinerator may be permitted or certified in the state without a certificate of need, issued by the Governor and Cabinet, sitting as the Statewide Multipurpose Hazardous Waste Facility Siting Board.
- Establishing the Florida Packaging Council and creating a comprehensive litter and marine debris control and prevention program.
- Providing assistance to smaller counties to aid in meeting their waste reduction and recycling responsibilities.
- Providing for the ownership of solid waste and flow control.
- Providing for the disposal of certain batteries.
- Allowing the SWMTF to be used to fund projects relating to market development for recycled materials.
- Allowing counties of less than 50,000 to be eligible for annual solid waste grants of $50,000.

Another significant revision to the SWMA occurred in 1996 when the provisions relating to construction and demolition (C&D) debris were substantially revised. These provisions included requiring the Department of Environmental Protection (DEP) to establish a separate category for solid waste management facilities which accept only C&D debris for disposal or recycling; and providing that the DEP may not require liners and leachate collection systems at individual facilities unless it demonstrates that the facility is reasonably expected to result in violations of ground water standards. A permit is not required for disposal of C&D debris on the property where it is generated, but such property must be covered, graded, and vegetated as necessary when disposal is complete.

For several years, approximately $30 million was appropriated annually from the SWMTF and used for water quality and restoration projects. As a result, the Legislature in 2002 provided for the permanent reallocation of the sales tax proceeds that were being deposited into the SWMTF. These funds (approximately $30 M annually) are now deposited into the Ecosystem Management and Restoration Trust Fund to be used for water quality improvement and water restoration projects. The SWMTF is now funded almost exclusively from the waste disposal fees imposed on tires purchased at retail. This fee generates approximately $19 million annually and supports not only the grants program, but also the general solid waste activities of the Division of Waste Management.

Also, the counties are no longer required to annually submit to the DEP certain solid waste and recycling information. Instead, the DEP may periodically seek the information from the counties to evaluate and report on the success of meeting the solid waste reduction goal.

Counties must still implement a recyclable materials recycling program; however, the counties are no longer required to recover a majority of the minimum five. Instead, they are encouraged to recover a significant portion of at least four of the following materials: newspaper, aluminum cans, steel cans, glass, plastic bottles, cardboard, office paper, and yard trash.

[1] The Department of Commerce was abolished in 1996 pursuant to ch. 96-320, L.O.F.

The 2002 revisions to the SWMA also:

- Deleted specific language regarding the amount of C&D debris, yard trash, white goods, and tires that may be considered when determining the 30 percent waste reduction goal.
- Redefined "small county" from 75,000 to 100,000 for purposes of providing an opportunity to recycle in lieu of achieving the 30-percent goal.
- Required C&D debris to be separated from the solid waste stream in separate locations at a solid waste disposal facility or other permitted site.
- Refocused the purposes of the SWMTF toward the core solid waste management responsibilities of the DEP and created a new competitive and innovative solid waste management grant program. It also maintained funding for the mosquito control activities in Department of Agriculture and Consumer Services (DACS).
- Redistributed the funds in the SWMTF
  - Up to 40 percent for funding solid waste activities of the DEP and other state agencies.
  - Up to 4.5 percent for funding research and training programs relating to solid waste management through the Center for Solid and Hazardous Waste Management.
  - Up to 11 percent to DACS for mosquito control.
  - A minimum of 40 percent for funding a competitive and innovative grant program relating to recycling and reducing the volume of municipal solid waste, including waste tires requiring final disposal.

- Provided for the distribution of the available solid waste management grants funds:
  - Up to 15 percent for the competitive and innovative grant program.
  - Up to 35 percent for the consolidated grant program for small counties.
  - Up to 50 percent for the waste tire program.

- Directed DEP to use the $30 million annually transferred from the sales tax proceeds to the Ecosystem Management and Restoration TF for projects to improve water quality and restore lakes and rivers impacted by pollution. At least 20 percent of the funds available are to be used for projects that assist financially disadvantaged small local governments.

The most recent revisions to the SWMA were made in 2005 and included the following:

- Prior to the construction of a new WTE facility or the expansion of an existing WTE, the county must implement and maintain a solid waste management and recycling program designed to meet the 30 percent waste reduction goal. If a WTE is built in a county with a population of less than 100,000 that county would have to have a program designed to achieve the 30 percent waste reduction goal, and not just provide the opportunity to recycle.
- Local government applicants for a permit to construct or expand a Class I landfill are encouraged to consider the construction of a WTE facility as an alternative to additional landfill space.
- Clarified that local governmental entities are required to pay the waste tire fee and the lead-acid battery fee.
- Increased the penalty for a litter violation from $50 to $100. The $50 increase is to be deposited into the SWMTF to be used for the solid waste management grant program.
- Provided for a pilot project to encourage the reuse or recycling of campaign signs. The recovered campaign signs are to be made available to schools and other entities that may have a use for them, at no cost.

The last time the Solid Waste Management Act was substantially rewritten was in 1993. Although there have been several amendments to the statutory provisions since that time, these amendments have been piecemeal and the issues have not been addressed in a comprehensive manner. In the past few years, issues have arisen regarding recycling and disposal of vegetative and construction and

demolition debris. This problem has been exacerbated by the fact that Florida was hit with four major hurricanes in 2004 and by Hurricanes Dennis, Katrina, and Wilma in 2005.

The solid waste provisions in the statutes contain several provisions that need to be updated to delete obsolete provisions and dates that have expired. Some provisions have never been used and certain provisions are no longer needed.

The Senate Environmental Preservation Committee was assigned an interim project to review the Solid Waste Management Act and make recommendations to the Legislature to update the act and make recommendations to address issues that have recently arisen.

Effect of Proposed Changes

This bill would implement the recommendations of the Senate Environmental Preservation Committee's interim report no. 2006-121, Review of the Solid Waste Management Act. The bill makes a number of technical amendments to correct cross-references, delete certain obsolete provisions and dates from the solid waste management statutes, and address other issues which have arisen since the last major rewrite of the Solid Waste Management Act. Specifically, the bill:

- Deletes the provisions relating to Keep Florida Beautiful, Inc., and transfers the Wildflower Advisory Council that was created within Keep Florida Beautiful to the Department of Agriculture and Consumer Services (DACS). The Council membership is increased from nine members to ten members to include a representative of the DACS. The Council will be advisory to the DACS and shall develop procedures of operation, research contracts, educational and marketing programs, and wildflower planting grants for Florida native wildflowers, plants, and grasses. The Council shall also make recommendations to the DACS concerning what constitutes acceptable species of wildflowers and other plants supported by these programs.
- Places the Adopt-a-Shore Program that was created within Keep Florida Beautiful in the Department of Environmental Protection (DEP).
- Alphabetizes the definitions used in the Solid Waste Management Act. Deletes obsolete definitions and consolidates definitions that are found elsewhere in the act.
- Deletes certain obsolete language and dates relating to the Department of Environmental Protection's (DEP) powers and duties, including:
    - Holding public hearings to develop rules to implement the state's solid waste management program. This is obsolete because rulemaking provisions of s. 120.54, F.S., include workshops and hearings.
    - Charging certain fees for certain solid waste management services. The DEP does not provide solid waste management services.
    - Acquiring personal or real property for the purpose of providing sites for solid waste management facilities. The DEP does not provide sites for solid waste management facilities.
    - Receiving funds from the sale of certain products, materials, fuel, or energy from any state-owned or operated solid waste facility. The DEP does not operate solid waste management facilities.
    - Deleting certain requirements for Class II landfills. There are no longer Class II landfills being permitted in Florida.
    - Conducting solid waste research to be used in the implementation of certain landfill closure rules. Landfill closure methods have been developed and the rules have been in place for nearly 20 years.
    - Authorizing variances from the solid waste closure rules. Variances are already allowed under s. 403.201, F.S., and s. 120.54, F.S., for any solid waste rule, not just closure rules.
- Deletes obsolete language relating to compost standards.
- Clarifies the circumstances under which industrial byproducts are not regulated under the Solid Waste Management Act. Industrial byproducts are not regulated under the Solid Waste Management Act if disposal of those byproducts do not constitute a threat of environmental

contamination or pose a significant threat to public health. Also, certain dredged material that is generated as part of a project permitted under part IV of ch. 373, F.S., or ch. 161, F.S., or that is authorized to be removed from sovereign submerged lands under ch. 253, F.S., shall be managed in accordance with the conditions of that permit or authorization unless the dredged material is regulated as a hazardous waste.

- Deletes provisions relating to biomedical incinerators because biomedical incinerators are regulated under DEP's air rules.
- Allows the DEP to exempt, by rule, certain facilities from the requirement of a permit if the construction or operation of the facility will not create a significant threat to the environment or public health. For instance, the registration of yard trash processing facilities. For purposes of Part IV of ch. 403, F.S., (Resource Recovery and Management), and only when specified by DEP rule, permits may include other forms of licenses as defined in s. 120.52, F.S. This is intended to address an issue the Joint Administrative Procedures Committee has raised regarding DEP's authority to provide such exemptions, even if they are technically justified. Counties may exempt certain wood material from the definition of "construction and demolition debris" under certain conditions to promote an integrated solid waste management program.
- Provides for the management of storm-generated debris.
    - The DEP may issue field authorizations for staging areas in those counties affected by a storm event. These staging areas may be used for the temporary storage and management of storm-generated debris, including the chipping, grinding, or burning of vegetative debris. A local government shall avoid locating a staging area in wetlands and other surface waters to the greatest extent possible, and the area that is used or affected by a staging area must be fully restored upon cessation of use of the area.
    - Storm-generated vegetative debris managed at a staging area may be disposed of in a permitted lined or unlined landfill, a permitted land clearing debris facility, or a permitted C&D debris disposal facility. Vegetative debris may also be managed at a permitted waste processing facility or a registered yard trash processing facility.
    - C&D debris that is mixed with other storm-generated debris need not be segregated from other solid waste prior to disposal in a lined landfill. C&D debris that is source-separated or separated from other hurricane-generated debris at an authorized staging area, may be managed at a permitted C&D debris disposal or recycling facility upon approval by the DEP of the methods and operations practices used to inspect the waste during segregation.
    - Unsalvageable refrigerators and freezers containing solid waste, such as rotting food, which may create a sanitary nuisance may be disposed of in a permitted lined landfill; however, chlorofluorocarbons and capacitors must be removed and recycled to the greatest extent practicable.
    - Local governments may conduct the burning of storm-generated yard trash and other vegetative debris in air-curtain incinerators without prior notice to the DEP. Demolition debris may also be burned in air-curtain incinerators if the material is limited to untreated wood. Within 10 days after commencing such burning, the local government must provide certain information to the DEP. The operator of the air-curtain incinerator is subject to any requirement to obtain an open burning authorization from the Division of Forestry of the DACS or any other agency empowered to grant such authorization.
- Deletes the specific percentage allocations for the use of the funds in the Solid Waste Management Trust Fund. The current percentages were adopted by the Legislature in 2002 when a significant source of funding for the SWMTF was statutorily transferred to fund various water projects. The SWMTF'S purposes were refocused toward the core solid waste management responsibilities of the DEP and the funding percentages were to apply to: funding the DEP's solid waste activities; research and training programs relating to solid waste management through the Center for Solid and Hazardous Waste Management; mosquito control activities in the Department of Agriculture and Consumer Services; litter prevention; and certain competitive and innovative grant programs. The percentages were to apply unless otherwise specified in the General Appropriations bill. These specific percentages have not been used in the General Appropriations bill.
- Places time restrictions on certain liens imposed by the DEP.

- Limits the use of an escrow account for the closure of a landfill to those landfills owned or operated by a local or state government or the Federal Government. Privately owned or operated landfills must provide other means of financial responsibility for the closure of landfills. However, any landfill owner or operator that had established an escrow account in accordance with the escrow provisions of this section and the conditions of its permit prior to January 1, 2007, may continue to use that escrow account to provide financial assurance for closure of that landfill, even if that landfill is not owned or operated by a local or state government or the Federal Government. An owner or operator of a landfill owned or operated by a local or state government or by the Federal Government may provide other means of financial assurance to the DEP in lieu of the escrow account.
- Deletes the provisions relating to the training of operators for waste-to-energy facilities, biomedical waste incinerators, and mobile soil thermal treatment units or facilities. The operators of these facilities are subject to the DEP's rules relating to training requirements under air permits. There has never been a separate solid waste training program for these operators.
- Revises the definition of "waste tire" and "waste tire processing facility."
- Exempts certain tire businesses from having to obtain a tire storage permit. The term "waste tire" will not include solid rubber tires and tires that are inseparable from the rim. These constitute a small percentage of the discarded tires and these tires are not amenable to recycling. Further, they pose little threat of fire, floating in standing water, or mosquito breeding. The term "waste tire processing facility" is amended to provide consistency with the term "processed tire." The provisions requiring a tire storage permit for a tire retreading business where fewer than 1,500 waste tires are kept on the premises is deleted. Currently, no permit is needed for storage of less than 1,500 tires anywhere.
- Extends the duration of certain solid and hazardous waste research, development, and demonstration permits. The DEP is allowed to issue a research, development, and demonstration permit to the owner or operator of any solid waste management facility, including any hazardous waste management facility who proposes to utilize an innovative and experimental solid waste treatment technology or process for which permit standards have not been adopted. The time periods for such permits is extended from 1 year to 3 years, renewable no more than 3 times. This would remove a conflict with a similar Environmental Protection Agency rule regarding their research, development, and demonstration permits.
- Clarifies who must obtain a permit to construct, modify, operate, or close a hazardous waste disposal, storage, or treatment facility. This section is also amended to provide for authorizations issued by the DEP to include both permits and clean closure orders. The bill further clarifies that if an owner or operator of a hazardous waste facility intends to or is required to discontinue operation, the temporary operation permit must include final closure conditions.
- Deletes a requirement for a separate report on hazardous waste management. This information is included in the DEP's Solid Waste Management in Florida report.
- Authorizes the DEP to issue authorizations which include both permits and clean closure orders for hazardous waste facilities. Further, the amount of financial responsibility that is required for hazardous waste facilities includes the probable costs of properly closing the facility and performing corrective action.
- Clarifies that signs must be placed by the owner or operator at any site in the state which is listed or proposed for listing on the Superfund Site List or any site identified by the DEP as a site contaminated by hazardous waste where this is a risk of exposure to the public. The DEP shall establish requirements and procedures for the placement of signs, and may do so in rules, permits, orders, or other authorizations.
- Allows the DEP to issue orders requiring the prompt abatement of an imminent hazard caused by a hazardous substance. Currently, the DEP may only issue a permit to abate such hazards.
- Requires that local governments match 25 percent of the grant amount for certain hazardous waste collection grants; however, if the DEP finds that the project has statewide applicability and has immediate benefits to other local hazardous waste collection programs in the state, matching funds are not required. Currently, eligible local governments may receive up to $50,000 in grant funds for unique and innovative projects that improve the collection of hazardous waste and lower the incidence of improper management of conditionally exempt or household waste, provided they match the grant amount.

- Repeals a provision relating to the submission of certain solid waste facility construction and operation plans.
- Repeals the requirement for a separate used oil report.
- Repeals the provisions relating to the Multipurpose Hazardous Waste Facility Siting Act.

C. SECTION DIRECTORY:

Section 1. Section 320.08058, F.S., is amended to provide that the annual use fees from the sale of the Wildflower license plates shall now be distributed to the DACS.

Section 2. Section 403.413, F.S., is amended to clarify who is liable for dumping under the litter law.

Section 3. Section 403.4131, F.S., is amended to delete the statutory provisions relating to Keep Florida Beautiful, Inc.

Section 4. Section 403.41315, F.S., is amended to conform to the changes in s. 403.4135, F.S., relating to Keep Florida Beautiful, Inc.

Section 5. Section 403.4133, F.S., is amended to place the Adopt-a-Shore Program that was created within Keep Florida Beautiful, Inc., in the Department of Environmental Protection.

Section 6. Section 403.703, F.S., is amended to place the definitions used in the Solid Waste Management Act in alphabetical order. In addition, the following definitions are also amended: "clean debris", "closure", and "yard trash." The following definitions are deleted: "biomedical waste generator" and "palletized paper waste"; and the definition of "landfill" is moved from s. 403.7125, F.S.

Section 7. Section 403.704, F.S., is amended to delete certain obsolete language and dates relating to the Department of Environmental Protection's (DEP) powers and duties.

Section 8. Section 403.7043, F.S., is amended to delete obsolete language relating to compost standards rulemaking.

Section 9. Section 403.7045, F.S., is amended to clarify that industrial byproducts are not regulated under the Solid Waste Management Act if disposal of those byproducts do not constitute a threat of environmental contamination or pose a significant threat to public health.

Section 10. Section 403.705, F.S., is amended to provide planning guidelines and technical assistance for the State solid waste management program to counties and municipalities

Section 11. Subsection (2) of section 403.7061, F.S., is amended to allow, rather than require, the DEP to initiate certain rulemaking regarding waste-to-energy facilities.

Section 12. Section 403.707, F.S., is amended to allow the DEP to exempt, by rule, certain facilities from the requirement for a permit if the construction or operation of the facility is not expected to create any significant threat to the environment or public health.

Section 13. Section 403.7071, F.S., is created to provide for the management of storm-generated debris resulting from a storm event that is the subject of an emergency order by the DEP.

Section 14. Section 403.708, F.S., is amended to delete some obsolete dates and to delete the term "degradable" because the term is not used in this section.

Section 15. Section 403.709, F.S., is amended to delete the specific percentages for the use of the funds in the Solid Waste Management Trust Fund (SWMTF). This section is also amended to place time restrictions on certain liens imposed by the DEP.

Section 16. Section 403.7095, F.S., is amended to correct a cross-reference.

Section 17. Section 403.7125, F.S., is amended to delete the definitions of "landfill" and "closure" from this section. These definitions appear in s. 403.704, F.S. This section provides a grandfather provision for certain facilities.

Section 18. Section 403.716, F.S., is amended to delete provisions relating to the training of operators for waste-to-energy facilities, biomedical waste incinerators, and mobile soil thermal treatment units or facilities.

Section 19. Section 403.717, F.S., is amended to revise the definitions of "waste tire" and "waste tire processing facility."

Section 20. Section 403.7221, F.S., is amended, transferred, and renumbered as s. 403.70715, F.S.

Section 21. Section 403.722, F.S., is amended to clarify who must obtain a permit to construct, modify, operate, or close a hazardous waste disposal, storage, or treatment facility.

Section 22. Section 403.7226, F.S., is amended to delete a separate report on hazardous waste management.

Section 23. Section 403.724, F.S., is amended to provide that authorizations for hazardous waste facilities include both permits and clean closure plan orders.

Section 24. Section 403.7255, F.S., is amended to clarify the provisions relating to the posting of signs on certain properties contaminated by hazardous wastes.

Section 25. Section 403.726, F.S., is amended to allow the DEP to issue an order requiring the prompt abatement of an imminent hazard caused by a hazardous substance.

Section 26. Section 403.7265, F.S., is amended to set the local match requirement to 25 percent of the grant amount.

Section 27. Sections 403.7075, 403.756, 403.7895, F.S., are repealed.

Section 28. Sections 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892, 403.7893, F.S., are repealed.

Section 29. This act shall take effect July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None

2. Expenditures:

   None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None

2. Expenditures:

   Requires that local governments match 25 percent of the grant amount for certain hazardous waste collection grants; however, if the DEP finds that the project has statewide applicability and has immediate benefits to other local hazardous waste collection programs in the state, matching funds are not required.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There is not anticipated to be an economic impact on the general public. Many of the bill's provisions remove outdated or obsolete provisions and clarify several provisions as they relate to local governments and the Department of Environmental Protection.

D. FISCAL COMMENTS:

The Wildflower Advisory Council will now become advisory to the Department of Agriculture and Consumer Services (DACS). On the effective date of this act, the unexpended balance of the Wildflower license plates use fees will be transferred to the DACS. As of December 31, 2005, the balance, as reported by the Wildflower Advisory Council, is $690,095.62.

The Department of Environmental Protection will no longer be required to submit separate reports regarding hazardous waste management and used oil. This information will be consolidated in the department's Solid Waste Management in Florida report, thereby potentially saving personnel time and publication costs.

In order to be eligible to receive a hazardous waste collection grant, local governments currently must match the entire grant amount. This bill reduces the match requirement to 25 percent of the grant amount, and allows the match to be waived under certain circumstances. This may permit more local governments to take advantage of this grant program.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

   None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

D. STATEMENT OF THE SPONSOR

N/A

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

N/A

1 A bill to be entitled
2 An act relating to solid waste; amending s. 320.08058,
3 F.S.; revising provisions relating to the distribution of
4 the fees paid for Florida Wildflower license plates to
5 conform to changes made by the act; specifying uses of the
6 proceeds; requiring that such proceeds be distributed to
7 the Department of Agriculture and Consumer Services under
8 certain circumstances; amending s. 403.413, F.S.;
9 clarifying who is liable for dumping under the Florida
10 Litter Law; amending s. 403.4131, F.S.; deleting the
11 provisions relating to Keep Florida Beautiful, Inc.;
12 encouraging additional counties to develop a regional
13 approach to coordinating litter control and prevention
14 programs; deleting certain requirements for litter
15 reduction and a litter survey; deleting the provisions
16 relating to the Wildflower Advisory Council; amending s.
17 403.41315, F.S.; conforming provisions to changes made to
18 the Keep Florida Beautiful, Inc., program; amending s.
19 403.4133, F.S.; placing the Adopt-a-Shore Program within
20 the Department of Environmental Protection; amending s.
21 403.703, F.S.; reordering definitions in alphabetical
22 order; clarifying certain definitions and deleting
23 definitions that are not used; amending s. 403.704, F.S.;
24 deleting obsolete provisions relating to the state solid
25 waste management program; amending s. 403.7043, F.S.;
26 deleting obsolete and conflicting provisions relating to
27 compost standards; amending s. 403.7045, F.S.; prohibiting
28 the regulation of industrial byproducts under certain
29 circumstances; conforming a cross-reference; clarifying

30 provisions governing dredged material; amending s.
31 403.705, F.S., relating to the state solid waste
32 management program; conforming a cross-reference; amending
33 s. 403.7061, F.S.; authorizing the Department of
34 Environmental Protection to initiate rulemaking regarding
35 waste-to-energy facilities; deleting a requirement to
36 initiate such rulemaking; amending s. 403.707, F.S.;
37 authorizing the Department of Environmental Preservation
38 to exempt certain facilities from the requirement for a
39 permit; authorizing the department to include certain
40 licenses in a permit; deleting certain obsolete
41 provisions; removing a requirement concerning groundwater
42 monitoring of certain facilities; extending the time
43 period for a public hearing when a local government seeks
44 to exempt certain material from the definition of
45 construction and demolition debris; specifying conditions,
46 following the transfer of ownership or control of a solid
47 waste facility, which must be met before the transferee
48 may operate the facility; specifying criteria concerning
49 an application to the Department of Environmental
50 Protection to transfer an operating permit for a solid
51 waste facility; specifying responsibilities for complying
52 with permit requirements, including financial-assurance
53 requirements, when ownership or control of a solid waste
54 facility is transferred; authorizing rulemaking by the
55 department; creating s. 403.7071, F.S.; providing for the
56 management and disposal of certain storm-generated debris;
57 amending s. 403.708, F.S.; deleting obsolete provisions
58 and clarifying provisions governing landfills; amending s.

59 403.709, F.S.; revising the provisions relating to the
60 distribution of the waste tire fees; providing for
61 expiration and enforcement of a lien on real property
62 concerning compliance with waste-tire requirements;
63 amending s. 403.7095, F.S., relating to the solid waste
64 management grant program; conforming a cross-reference;
65 amending s. 403.7125, F.S.; deleting certain definitions
66 that appear elsewhere in law; clarifying requirements
67 concerning financial assurance for closure of a landfill;
68 amending s. 403.716, F.S.; deleting provisions relating to
69 the training and employment of certain facility operators;
70 amending s. 403.717, F.S.; clarifying provisions relating
71 to waste tires and the processing of waste tires;
72 transferring, renumbering, and amending s. 403.7221, F.S.;
73 increasing the duration of certain research, development,
74 and demonstration permits; authorizing issuance of such a
75 permit to a hazardous waste management facility; amending
76 s. 403.722, F.S.; clarifying provisions relating to who is
77 required to obtain certain hazardous waste permits;
78 providing for operation or closure of certain existing
79 facilities that must, due to a rule change, be permitted
80 as hazardous waste facilities; amending s. 403.7226, F.S.;
81 deleting a requirement to submit an annual state
82 assessment concerning needs for hazardous waste
83 management; amending s. 403.724, F.S.; clarifying certain
84 financial-assurance provisions; amending s. 403.7255,
85 F.S.; revising requirements regarding signs to notify the
86 public about hazardous waste contamination of certain
87 sites; amending s. 403.726, F.S.; authorizing the

88 Department of Environmental Protection to issue an order
89 to abate certain hazards; amending s. 403.7265, F.S.;
90 deleting provisions requiring a statewide local hazardous
91 waste management plan; requiring a local government to
92 provide matching funds for grants concerning conditionally
93 exempt or household hazardous waste under certain
94 conditions; repealing s. 403.7075, F.S., relating to the
95 submission of a plan or application for certain permits
96 for a solid waste management facility; repealing s.
97 403.756, F.S., relating to an annual used-oil report;
98 repealing s. 403.7895, F.S., relating to permitting and a
99 certification of need for a commercial hazardous waste
100 incinerator; repealing ss. 403.78, 403.781, 403.782,
101 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786,
102 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881,
103 403.789, 403.7891, 403.7892, and 403.7893, F.S., relating
104 to the Statewide Multipurpose Hazardous Waste Facility
105 Siting Act; providing an effective date.
106
107 Be It Enacted by the Legislature of the State of Florida:
108
109 Section 1. Subsection (28) of section 320.08058, Florida
110 Statutes, is amended to read:
111 320.08058 Specialty license plates.--
112 (28) FLORIDA WILDFLOWER LICENSE PLATES.--
113 (a) The department shall develop a Florida Wildflower
114 license plate as provided in this section. The word "Florida"
115 must appear at the top of the plate, and the words "State
116 Wildflower" and "coreopsis" must appear at the bottom of the

117 plate.
118 (b) The annual use fees shall be distributed to the
119 Wildflower Foundation, Inc., a nonprofit corporation under s.
120 501(c)(3) of the Internal Revenue Code ~~Wildflower Account~~
121 ~~established by Keep Florida Beautiful, Inc., created by s.~~
122 ~~403.4131~~. The proceeds must be used to establish native Florida
123 wildflower research programs, wildflower educational programs,
124 and wildflower grant programs to municipal, county, and
125 community-based groups in this state.
126 1. The Wildflower Foundation, Inc., shall develop
127 procedures of operation, research contracts, education and
128 marketing programs, and wildflower-planting grants for Florida
129 native wildflowers, plants, and grasses.
130 2. A maximum of 15 ~~10~~ percent of the proceeds from the sale
131 of such plates may be used for administrative and marketing
132 costs.
133 3. If the Wildflower Foundation, Inc., ceases to be an
134 active nonprofit corporation under s. 501(c)(3) of the Internal
135 Revenue Code, the proceeds from the annual use fee shall be
136 deposited into the General Inspection Trust Fund created within
137 the Department of Agriculture and Consumer Services. Any funds
138 held by the Wildflower Foundation, Inc., must be promptly
139 transferred to the General Inspection Trust Fund. The Department
140 of Agriculture and Consumer Services shall use and administer the
141 proceeds from the use fee in the manner specified in this
142 paragraph.
143 Section 2. Subsection (4) of section 403.413, Florida
144 Statutes, is amended to read:
145 403.413 Florida Litter Law.--

146 (4) DUMPING LITTER PROHIBITED.--Unless otherwise authorized
147 by law or permit, it is unlawful for any person to dump litter in
148 any manner or amount:
149 (a) In or on any public highway, road, street, alley, or
150 thoroughfare, including any portion of the right-of-way thereof,
151 or any other public lands, except in containers or areas lawfully
152 provided therefor. When any litter is thrown or discarded from a
153 motor vehicle, the operator or owner of the motor vehicle, or
154 both, shall be deemed in violation of this section;
155 (b) In or on any freshwater lake, river, canal, or stream
156 or tidal or coastal water of the state, including canals. When
157 any litter is thrown or discarded from a boat, the operator or
158 owner of the boat, or both, shall be deemed in violation of this
159 section; or
160 (c) In or on any private property, unless prior consent of
161 the owner has been given and unless the dumping of such litter by
162 such person will not cause a public nuisance or otherwise be in
163 violation of any other state or local law, rule, or regulation.
164 Section 3. Section 403.4131, Florida Statutes, is amended
165 to read:
166 403.4131 Litter control ~~"Keep Florida Beautiful,~~
167 ~~Incorporated"; placement of signs~~.--
168 ~~(1) It is the intent of the Legislature that a coordinated~~
169 ~~effort of interested businesses, environmental and civic~~
170 ~~organizations, and state and local agencies of government be~~
171 ~~developed to plan for and assist in implementing solutions to the~~
172 ~~litter and solid waste problems in this state and that the state~~
173 ~~provide financial assistance for the establishment of a nonprofit~~
174 ~~organization with the name of "Keep Florida Beautiful,~~

175 ~~Incorporated," which shall be registered, incorporated, and~~
176 ~~operated in compliance with chapter 617. This nonprofit~~
177 ~~organization shall coordinate the statewide campaign and operate~~
178 ~~as the grassroots arm of the state's effort and shall serve as an~~
179 ~~umbrella organization for volunteer-based community programs.~~
180 ~~The organization shall be dedicated to helping Florida and its~~
181 ~~local communities solve solid waste problems, to developing and~~
182 ~~implementing a sustained litter prevention campaign, and to act~~
183 ~~as a working public-private partnership in helping to implement~~
184 ~~the state's Solid Waste Management Act. As part of this effort,~~
185 ~~Keep Florida Beautiful, Incorporated, in cooperation with the~~
186 ~~Environmental Education Foundation, shall strive to educate~~
187 ~~citizens, visitors, and businesses about the important~~
188 ~~relationship between the state's environment and economy. Keep~~
189 ~~Florida Beautiful, Incorporated, is encouraged to explore and~~
190 ~~identify economic incentives to improve environmental initiatives~~
191 ~~in the area of solid waste management. The membership of the~~
192 ~~board of directors of this nonprofit organization may include~~
193 ~~representatives of the following organizations: the Florida~~
194 ~~League of Cities, the Florida Association of Counties, the~~
195 ~~Governor's Office, the Florida Chapter of the National Solid~~
196 ~~Waste Management Association, the Florida Recyclers Association,~~
197 ~~the Center for Marine Conservation, Chapter of the Sierra Club,~~
198 ~~the Associated Industries of Florida, the Florida Soft Drink~~
199 ~~Association, the Florida Petroleum Council, the Retail Grocers~~
200 ~~Association of Florida, the Florida Retail Federation, the Pulp~~
201 ~~and Paper Association, the Florida Automobile Dealers~~
202 ~~Association, the Beer Industries of Florida, the Florida Beer~~
203 ~~Wholesalers Association, and the Distilled Spirits Wholesalers.~~

204 ~~(2) As a partner working with government, business, civic,~~
205 ~~environmental, and other organizations, Keep Florida Beautiful,~~
206 ~~Incorporated, shall strive to assist the state and its local~~
207 ~~communities by contracting for the development of a highly~~
208 ~~visible antilitter campaign that, at a minimum, includes:~~
209 ~~(a) Coordinating with the Center for Marine Conservation~~
210 ~~and the Center for Solid and Hazardous Waste Management to~~
211 ~~identify components of the marine debris and litter stream and~~
212 ~~groups that habitually litter.~~
213 ~~(b) Designing appropriate advertising to promote the proper~~
214 ~~management of solid waste, with emphasis on educating groups that~~
215 ~~habitually litter.~~
216 ~~(c) Fostering public awareness and striving to build an~~
217 ~~environmental ethic in this state through the development of~~
218 ~~educational programs that result in an understanding and in~~
219 ~~action on the part of individuals and organizations about the~~
220 ~~role they must play in preventing litter and protecting Florida's~~
221 ~~environment.~~
222 ~~(d) Developing educational programs and materials that~~
223 ~~promote the proper management of solid waste, including the~~
224 ~~proper disposal of litter.~~
225 ~~(e) Administering grants provided by the state. Grants~~
226 ~~authorized under this section shall be subject to normal~~
227 ~~department audit procedures and review.~~
228 (1) ~~(3)~~ The Department of Transportation shall establish an
229 "adopt-a-highway" program to allow local organizations to be
230 identified with specific highway cleanup and highway
231 beautification projects authorized under s. 339.2405 ~~and shall~~
232 ~~coordinate such efforts with Keep Florida Beautiful, Inc~~. The

233 department shall report to the Governor and the Legislature on
234 the progress achieved and the savings incurred by the "adopt-a-
235 highway" program. The department shall also monitor and report on
236 compliance with provisions of the adopt-a-highway program to
237 ensure that organizations that participate in the program comply
238 with the goals identified by the department.
239 (2) ~~(4)~~ The Department of Transportation shall place signs
240 discouraging litter at all off-ramps of the interstate highway
241 system in the state. The department shall place other highway
242 signs as necessary to discourage littering ~~through use of the~~
243 ~~antilitter program developed by Keep Florida Beautiful,~~
244 ~~Incorporated~~.
245 (3) ~~(5)~~ Each county is encouraged to initiate a litter
246 control and prevention program or to expand upon its existing
247 program. The department shall establish a system of grants for
248 municipalities and counties to implement litter control and
249 prevention programs. In addition to the activities described in
250 subsection (1), such grants shall at a minimum be used for litter
251 cleanup, grassroots educational programs involving litter removal
252 and prevention, and the placement of litter and recycling
253 receptacles. Counties are encouraged to form working public
254 private partnerships as authorized under this section to
255 implement litter control and prevention programs at the community
256 level. The grants authorized pursuant to this section shall be
257 incorporated as part of the recycling and education grants.
258 Counties that have a population under 100,000 ~~75,000~~ are
259 encouraged to develop a regional approach to administering and
260 coordinating their litter control and prevention programs.
261 ~~(6) The department may contract with Keep Florida~~

262 ~~Beautiful, Incorporated, to help carry out the provisions of this~~
263 ~~section. All contracts authorized under this section are subject~~
264 ~~to normal department audit procedures and review.~~
265 ~~(7) In order to establish continuity for the statewide~~
266 ~~program, those local governments and community programs receiving~~
267 ~~grants for litter prevention and control must use the official~~
268 ~~State of Florida litter control or campaign symbol adopted by~~
269 ~~Keep Florida Beautiful, Incorporated, for use on various~~
270 ~~receptacles and program material.~~
271 ~~(8) The Legislature establishes a litter reduction goal of~~
272 ~~50 percent reduction from the period January 1, 1994, to January~~
273 ~~1, 1997. The method of determination used to measure the~~
274 ~~reduction in litter is the survey conducted by the Center for~~
275 ~~Solid and Hazardous Waste Management. The center shall consider~~
276 ~~existing litter survey methodologies.~~
277 ~~(9) The Department of Environmental Protection shall~~
278 ~~contract with the Center for Solid and Hazardous Waste Management~~
279 ~~for an ongoing annual litter survey, the first of which is to be~~
280 ~~conducted by January 1, 1994. The center shall appoint a broad-~~
281 ~~based work group not to exceed seven members to assist in the~~
282 ~~development and implementation of the survey. Representatives~~
283 ~~from the university system, business, government, and the~~
284 ~~environmental community shall be considered by the center to~~
285 ~~serve on the work group. Final authority on implementing and~~
286 ~~conducting the survey rests with the center. The first survey is~~
287 ~~to be designed to serve as a baseline by measuring the amount of~~
288 ~~current litter and marine debris, and is to include a methodology~~
289 ~~for measuring the reduction in the amount of litter and marine~~
290 ~~debris to determine the progress toward the litter reduction goal~~

291 ~~established in subsection (8). Annually thereafter, additional~~
292 ~~surveys are to be conducted and must also include a methodology~~
293 ~~for measuring the reduction in the amount of litter and for~~
294 ~~determining progress toward the litter reduction goal established~~
295 ~~in subsection (8).~~
296 ~~(10)(a) There is created within Keep Florida Beautiful,~~
297 ~~Inc., the Wildflower Advisory Council, consisting of a maximum of~~
298 ~~nine members to direct and oversee the expenditure of the~~
299 ~~Wildflower Account. The Wildflower Advisory Council shall include~~
300 ~~a representative from the University of Florida Institute of Food~~
301 ~~and Agricultural Sciences, the Florida Department of~~
302 ~~Transportation, and the Florida Department of Environmental~~
303 ~~Protection, the Florida League of Cities, and the Florida~~
304 ~~Association of Counties. Other members of the committee may~~
305 ~~include representatives from the Florida Federation of Garden~~
306 ~~Clubs, Inc., Think Beauty Foundation, the Florida Chapter of the~~
307 ~~American Society of Landscape Architects, Inc., and a~~
308 ~~representative of the Master Gardener's Program.~~
309 ~~(b) The Wildflower Advisory Council shall develop~~
310 ~~procedures of operation, research contracts, educational~~
311 ~~programs, and wildflower planting grants for Florida native~~
312 ~~wildflowers, plants, and grasses. The council shall also make the~~
313 ~~final determination of what constitutes acceptable species of~~
314 ~~wildflowers and other plantings supported by these programs.~~
315 Section 4. Paragraphs (a) and (j) of subsection (2) of
316 section 403.41315, Florida Statutes, are amended to read:
317 403.41315 Comprehensive illegal dumping, litter, and marine
318 debris control and prevention.--
319 (2) The comprehensive illegal dumping, litter, and marine

320 debris control and prevention program at a minimum must include
321 the following:
322 (a) A local ~~statewide~~ public awareness and educational
323 campaign~~, coordinated by Keep Florida Beautiful, Incorporated,~~ to
324 educate individuals, government, businesses, and other
325 organizations concerning the role they must assume in preventing
326 and controlling litter.
327 (j) Other educational programs that are implemented at the
328 grassroots level ~~coordinated through Keep Florida Beautiful,~~
329 ~~Inc.,~~ involving volunteers and community programs that clean up
330 and prevent litter, including Youth Conservation Corps
331 activities.
332 Section 5. Subsection (2) of section 403.4133, Florida
333 Statutes, is amended to read:
334 403.4133 Adopt-a-Shore Program.--
335 (2) The Adopt-a-Shore Program shall be created within the
336 Department of Environmental Protection ~~nonprofit organization~~
337 ~~referred to in s. 403.4131(1), named Keep Florida Beautiful,~~
338 ~~Incorporated~~. The program shall be designed to educate the
339 state's citizens and visitors about the importance of litter
340 prevention and shall include approaches and techniques to remove
341 litter from the state's shorelines.
342 Section 6. Section 403.703, Florida Statutes, is amended to
343 read:
344 (Substantial rewording of section. See
345 s. 403.703, F.S., for present text.)
346 403.703 Definitions.--As used in this part, the term:
347 (1) "Ash residue" has the same meaning as in the department
348 rule governing solid waste combustors which defines the term.

349 (2) "Biomedical waste" means any solid waste or liquid
350 waste that may present a threat of infection to humans. The term
351 includes, but is not limited to, nonliquid human tissue and body
352 parts; laboratory and veterinary waste that contains human-
353 disease-causing agents; discarded disposable sharps; human blood
354 and human blood products and body fluids; and other materials
355 that in the opinion of the Department of Health represent a
356 significant risk of infection to persons outside the generating
357 facility. The term does not include human remains that are
358 disposed of by persons licensed under chapter 497.
359 (3) "Biological waste" means solid waste that causes or has
360 the capability of causing disease or infection and includes, but
361 is not limited to, biomedical waste, diseased or dead animals,
362 and other wastes capable of transmitting pathogens to humans or
363 animals. The term does not include human remains that are
364 disposed of by persons licensed under chapter 497.
365 (4) "Clean debris" means any solid waste that is virtually
366 inert, that is not a pollution threat to groundwater or surface
367 waters, that is not a fire hazard, and that is likely to retain
368 its physical and chemical structure under expected conditions of
369 disposal or use. The term includes uncontaminated concrete,
370 including embedded pipe or steel, brick, glass, ceramics, and
371 other wastes designated by the department.
372 (5) "Closure" means the cessation of operation of a solid
373 waste management facility and the act of securing such facility
374 so that it will pose no significant threat to human health or the
375 environment and includes long-term monitoring and maintenance of
376 a facility if required by department rule.
377 (6) "Construction and demolition debris" means discarded

378 materials generally considered to be not water-soluble and
379 nonhazardous in nature, including, but not limited to, steel,
380 glass, brick, concrete, asphalt roofing material, pipe, gypsum
381 wallboard, and lumber, from the construction or destruction of a
382 structure as part of a construction or demolition project or from
383 the renovation of a structure, and includes rocks, soils, tree
384 remains, trees, and other vegetative matter that normally results
385 from land clearing or land-development operations for a
386 construction project, including such debris from construction of
387 structures at a site remote from the construction or demolition
388 project site. Mixing of construction and demolition debris with
389 other types of solid waste will cause the resulting mixture to be
390 classified as other than construction and demolition debris. The
391 term also includes:
392 (a) Clean cardboard, paper, plastic, wood, and metal scraps
393 from a construction project;
394 (b) Except as provided in s. 403.707(9)(j), yard trash and
395 unpainted, nontreated wood scraps and wood pallets from sources
396 other than construction or demolition projects;
397 (c) Scrap from manufacturing facilities which is the type
398 of material generally used in construction projects and which
399 would meet the definition of construction and demolition debris
400 if it were generated as part of a construction or demolition
401 project. This includes debris from the construction of
402 manufactured homes and scrap shingles, wallboard, siding
403 concrete, and similar materials from industrial or commercial
404 facilities; and
405 (d) De minimis amounts of other nonhazardous wastes that
406 are generated at construction or destruction projects, provided

407 such amounts are consistent with best management practices of the
408 industry.
409 (7) "County," or any like term, means a political
410 subdivision of the state established pursuant to s. 1, Art. VIII
411 of the State Constitution and, when s. 403.706(19) applies, means
412 a special district or other entity.
413 (8) "Department" means the Department of Environmental
414 Protection or any successor agency performing a like function.
415 (9) "Disposal" means the discharge, deposit, injection,
416 dumping, spilling, leaking, or placing of any solid waste or
417 hazardous waste into or upon any land or water so that such solid
418 waste or hazardous waste or any constituent thereof may enter
419 other lands or be emitted into the air or discharged into any
420 waters, including groundwaters, or otherwise enter the
421 environment.
422 (10) "Generation" means the act or process of producing
423 solid or hazardous waste.
424 (11) "Guarantor" means any person, other than the owner or
425 operator, who provides evidence of financial responsibility for
426 an owner or operator under this part.
427 (12) "Hazardous substance" means any substance that is
428 defined as a hazardous substance in the United States
429 Comprehensive Environmental Response, Compensation, and Liability
430 Act of 1980, 94 Stat. 2767.
431 (13) "Hazardous waste" means solid waste, or a combination
432 of solid wastes, which, because of its quantity, concentration,
433 or physical, chemical, or infectious characteristics, may cause,
434 or significantly contribute to, an increase in mortality or an
435 increase in serious irreversible or incapacitating reversible

436 illness or may pose a substantial present or potential hazard to
437 human health or the environment when improperly transported,
438 disposed of, stored, treated, or otherwise managed. The term does
439 not include human remains that are disposed of by persons
440 licensed under chapter 497.
441 (14) "Hazardous waste facility" means any building, site,
442 structure, or equipment at or by which hazardous waste is
443 disposed of, stored, or treated.
444 (15) "Hazardous waste management" means the systematic
445 control of the collection, source separation, storage,
446 transportation, processing, treatment, recovery, recycling, and
447 disposal of hazardous waste.
448 (16) "Land disposal" means any placement of hazardous waste
449 in or on the land and includes, but is not limited to, placement
450 in a landfill, surface impoundment, waste pile, injection well,
451 land treatment facility, salt bed formation, salt dome formation,
452 or underground mine or cave, or placement in a concrete vault or
453 bunker intended for disposal purposes.
454 (17) "Landfill" means any solid waste land disposal area
455 for which a permit, other than a general permit, is required by
456 s. 403.707 and which receives solid waste for disposal in or upon
457 land. The term does not include a land-spreading site, an
458 injection well, a surface impoundment, or a facility for the
459 disposal of construction and demolition debris.
460 (18) "Manifest" means the recordkeeping system used for
461 identifying the concentration, quantity, composition, origin,
462 routing, and destination of hazardous waste during its
463 transportation from the point of generation to the point of
464 disposal, storage, or treatment.

465 (19) "Materials-recovery facility" means a solid waste
466 management facility that provides for the extraction from solid
467 waste of recyclable materials, materials suitable for use as a
468 fuel or soil amendment, or any combination of such materials.
469 (20) "Municipality," or any like term, means a municipality
470 created pursuant to general or special law authorized or
471 recognized pursuant to s. 2 or s. 6, Art. VIII of the State
472 Constitution and, when s. 403.706(19) applies, means a special
473 district or other entity.
474 (21) "Operation," with respect to any solid waste
475 management facility, means the disposal, storage, or processing
476 of solid waste at and by the facility.
477 (22) "Person" means any and all persons, natural or
478 artificial, including any individual, firm, or association; any
479 municipal or private corporation organized or existing under the
480 laws of this state or any other state; any county of this state;
481 and any governmental agency of this state or the Federal
482 Government.
483 (23) "Processing" means any technique designed to change
484 the physical, chemical, or biological character or composition of
485 any solid waste so as to render it safe for transport; amenable
486 to recovery, storage, or recycling; safe for disposal; or reduced
487 in volume or concentration.
488 (24) "Recovered materials" means metal, paper, glass,
489 plastic, textile, or rubber materials that have known recycling
490 potential, can be feasibly recycled, and have been diverted and
491 source separated or have been removed from the solid waste stream
492 for sale, use, or reuse as raw materials, whether or not the
493 materials require subsequent processing or separation from each

494 other, but the term does not include materials destined for any
495 use that constitutes disposal. Recovered materials as described
496 in this subsection are not solid waste.
497 (25) "Recovered materials processing facility" means a
498 facility engaged solely in the storage, processing, resale, or
499 reuse of recovered materials. Such a facility is not a solid
500 waste management facility if it meets the conditions of s.
501 403.7045(1)(e).
502 (26) "Recyclable material" means those materials that are
503 capable of being recycled and that would otherwise be processed
504 or disposed of as solid waste.
505 (27) "Recycling" means any process by which solid waste, or
506 materials that would otherwise become solid waste, are collected,
507 separated, or processed and reused or returned to use in the form
508 of raw materials or products.
509 (28) "Resource recovery" means the process of recovering
510 materials or energy from solid waste, excluding those materials
511 or solid waste under the control of the Nuclear Regulatory
512 Commission.
513 (29) "Resource recovery equipment" means equipment or
514 machinery exclusively and integrally used in the actual process
515 of recovering material or energy resources from solid waste.
516 (30) "Sludge" includes, the accumulated solids, residues,
517 and precipitates generated as a result of waste treatment or
518 processing, including wastewater treatment, water-supply
519 treatment, or operation of an air pollution control facility, and
520 mixed liquids and solids pumped from septic tanks, grease traps,
521 privies, or similar waste disposal appurtenances.
522 (31) "Special wastes" means solid wastes that can require

523 special handling and management, including, but not limited to,
524 white goods, waste tires, used oil, lead-acid batteries,
525 construction and demolition debris, ash residue, yard trash, and
526 biological wastes.
527 (32) "Solid waste" means sludge unregulated under the
528 federal Clean Water Act or Clean Air Act, sludge from a waste
529 treatment works, water supply treatment plant, or air pollution
530 control facility, or garbage, rubbish, refuse, special waste, or
531 other discarded material, including solid, liquid, semisolid, or
532 contained gaseous material resulting from domestic, industrial,
533 commercial, mining, agricultural, or governmental operations.
534 Recovered materials as defined in subsection (24) are not solid
535 waste.
536 (33) "Solid waste disposal facility" means any solid waste
537 management facility that is the final resting place for solid
538 waste, including landfills and incineration facilities that
539 produce ash from the process of incinerating municipal solid
540 waste.
541 (34) "Solid waste management" means the process by which
542 solid waste is collected, transported, stored, separated,
543 processed, or disposed of in any other way according to an
544 orderly, purposeful, and planned program, which includes closure.
545 (35) "Solid waste management facility" means any solid
546 waste disposal area, volume-reduction plant, transfer station,
547 materials-recovery facility, or other facility, the purpose of
548 which is resource recovery or the disposal, recycling,
549 processing, or storage of solid waste. The term does not include
550 recovered materials processing facilities that meet the
551 requirements of s. 403.7046, except the portion of such

552 facilities, if any, which is used for the management of solid
553 waste.
554 (36) "Source separated" means that the recovered materials
555 are separated from solid waste at the location where the
556 recovered materials and solid waste are generated. The term does
557 not require that various types of recovered materials be
558 separated from each other, and recognizes de minimis solid waste,
559 in accordance with industry standards and practices, may be
560 included in the recovered materials. Materials are not considered
561 source-separated when two or more types of recovered materials
562 are deposited in combination with each other in a commercial
563 collection container located where the materials are generated
564 and when such materials contain more than 10 percent solid waste
565 by volume or weight. For purposes of this subsection, the term
566 "various types of recovered materials" means metals, paper,
567 glass, plastic, textiles, and rubber.
568 (37) "Storage" means the containment or holding of a
569 hazardous waste, either on a temporary basis or for a period of
570 years, in such a manner as not to constitute disposal of such
571 hazardous waste.
572 (38) "Transfer station" means a site the primary purpose of
573 which is to store or hold solid waste for transport to a
574 processing or disposal facility.
575 (39) "Transport" means the movement of hazardous waste from
576 the point of generation or point of entry into the state to any
577 offsite intermediate points and to the point of offsite ultimate
578 disposal, storage, treatment, or exit from the state.
579 (40) "Treatment," when used in connection with hazardous
580 waste, means any method, technique, or process, including

581 neutralization, which is designed to change the physical,
582 chemical, or biological character or composition of any hazardous
583 waste so as to neutralize it or render it nonhazardous, safe for
584 transport, amenable to recovery, amenable to storage or disposal,
585 or reduced in volume or concentration. The term includes any
586 activity or processing that is designed to change the physical
587 form or chemical composition of hazardous waste so as to render
588 it nonhazardous.
589 (41) "Volume-reduction plant" includes incinerators,
590 pulverizers, compactors, shredding and baling plants, composting
591 plants, and other plants that accept and process solid waste for
592 recycling or disposal.
593 (42) "White goods" includes discarded air conditioners,
594 heaters, refrigerators, ranges, water heaters, freezers, and
595 other similar domestic and commercial large appliances.
596 (43) "Yard trash" means vegetative matter resulting from
597 landscaping maintenance and land clearing operations and includes
598 associated rocks and soils.
599 Section 7. Section 403.704, Florida Statutes, is amended to
600 read:
601 403.704 Powers and duties of the department.--The
602 department shall have responsibility for the implementation and
603 enforcement of ~~the provisions of~~ this act. In addition to other
604 powers and duties, the department shall:
605 (1) Develop and implement, in consultation with local
606 governments, a state solid waste management program, as defined
607 in s. 403.705~~, and update the program at least every 3 years~~. ~~In~~
608 ~~developing rules to implement the state solid waste management~~
609 ~~program, the department shall hold public hearings around the~~

610 ~~state and shall give notice of such public hearings to all local~~
611 ~~governments and regional planning agencies.~~
612 (2) Provide technical assistance to counties,
613 municipalities, and other persons, and cooperate with appropriate
614 federal agencies and private organizations in carrying out ~~the~~
615 ~~provisions of~~ this act.
616 (3) Promote the planning and application of recycling and
617 resource recovery systems which preserve and enhance the quality
618 of the air, water, and other natural resources of the state and
619 assist in and encourage, where appropriate, the development of
620 regional solid waste management facilities.
621 (4) Serve as the official state representative for all
622 purposes of the federal Solid Waste Disposal Act, as amended by
623 Pub. L. No. 91-512, or as subsequently amended.
624 (5) Use private industry or the State University System
625 through contractual arrangements for implementation of some or
626 all of the requirements of the state solid waste management
627 program and for such other activities as may be considered
628 necessary, desirable, or convenient.
629 (6) Encourage recycling and resource recovery as a source
630 of energy and materials.
631 (7) Assist in and encourage, as much as possible, the
632 development within the state of industries and commercial
633 enterprises which are based upon resource recovery, recycling,
634 and reuse of solid waste.
635 ~~(8) Charge reasonable fees for any services it performs~~
636 ~~pursuant to this act, provided user fees shall apply uniformly~~
637 ~~within each municipality or county to all users who are provided~~
638 ~~with solid waste management services.~~

639 ~~(9) Acquire, at its discretion, personal or real property~~
640 ~~or any interest therein by gift, lease, or purchase for the~~
641 ~~purpose of providing sites for solid waste management facilities.~~
642 ~~(10) Acquire, construct, reconstruct, improve, maintain,~~
643 ~~equip, furnish, and operate, at its discretion, such solid waste~~
644 ~~management facilities as are called for by the state solid waste~~
645 ~~management program.~~
646 ~~(11) Receive funds or revenues from the sale of products,~~
647 ~~materials, fuels, or energy in any form derived from processing~~
648 ~~of solid waste by state-owned or state-operated facilities, which~~
649 ~~funds or revenues shall be deposited into the Solid Waste~~
650 ~~Management Trust Fund.~~
651 (8) ~~(12)~~ Determine by rule the facilities, equipment,
652 personnel, and number of monitoring wells to be provided at each
653 ~~Class I~~ solid waste disposal facility ~~area~~.
654 ~~(13) Encourage, but not require, as part of a Class II~~
655 ~~solid waste disposal area, a potable water supply; an employee~~
656 ~~shelter; handwashing and toilet facilities; equipment washout~~
657 ~~facilities; electric service for operations and repairs;~~
658 ~~equipment shelter for maintenance and storage of parts,~~
659 ~~equipment, and tools; scales for weighing solid waste received at~~
660 ~~the disposal area; a trained equipment operator in full-time~~
661 ~~attendance during operating hours; and communication facilities~~
662 ~~for use in emergencies. The department may require an attendant~~
663 ~~at a Class II solid waste disposal area during the hours of~~
664 ~~operation if the department affirmatively demonstrates that such~~
665 ~~a requirement is necessary to prevent unlawful fires,~~
666 ~~unauthorized dumping, or littering of nearby property.~~
667 ~~(14) Require a Class II solid waste disposal area to have~~

668 ~~at least one monitoring well which shall be placed adjacent to~~
669 ~~the site in the direction of groundwater flow unless otherwise~~
670 ~~exempted by the department. The department may require additional~~
671 ~~monitoring wells not farther than 1 mile from the site if it is~~
672 ~~affirmatively demonstrated by the department that a significant~~
673 ~~change in the initial quality of the water has occurred in the~~
674 ~~downstream monitoring well which adversely affects the beneficial~~
675 ~~uses of the water. These wells may be public or private water~~
676 ~~supply wells if they are suitable for use in determining~~
677 ~~background water quality levels.~~
678 (9) ~~(15)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54
679 to implement and enforce ~~the provisions of~~ this act, including
680 requirements for the classification, construction, operation,
681 maintenance, and closure of solid waste management facilities and
682 requirements for, and conditions on, solid waste disposal in this
683 state, whether such solid waste is generated within this state or
684 outside this state as long as such requirements and conditions
685 are not based on the out-of-state origin of the waste and are
686 consistent with applicable ~~provisions of~~ law. When classifying
687 solid waste management facilities, the department shall consider
688 the hydrogeology of the site for the facility, the types of
689 wastes to be handled by the facility, and methods used to control
690 the types of waste to be handled by the facility and shall seek
691 to minimize the adverse effects of solid waste management on the
692 environment. Whenever the department adopts any rule stricter or
693 more stringent than one that ~~which~~ has been set by the United
694 States Environmental Protection Agency, the procedures set forth
695 in s. 403.804(2) shall be followed. The department shall not,
696 however, adopt hazardous waste rules for solid waste for which

697 special studies were required prior to October 1, 1988, under s.
698 8002 of the Resource Conservation and Recovery Act, 42 U.S.C. s.
699 6982, as amended, until the studies are completed by the United
700 States Environmental Protection Agency and the information is
701 available to the department for consideration in adopting its own
702 rule.
703 (10) ~~(16)~~ Issue or modify permits on such conditions as are
704 necessary to effect the intent and purposes of this act, and may
705 deny or revoke permits.
706 ~~(17) Conduct research, using the State University System,~~
707 ~~solid waste professionals from local governments, private~~
708 ~~enterprise, and other organizations, on alternative, economically~~
709 ~~feasible, cost-effective, and environmentally safe solid waste~~
710 ~~management and landfill closure methods which protect the health,~~
711 ~~safety, and welfare of the public and the environment and which~~
712 ~~may assist in developing markets and provide economic benefits to~~
713 ~~local governments, the state, and its citizens, and solicit~~
714 ~~public participation during the research process. The department~~
715 ~~shall incorporate such cost-effective landfill closure methods in~~
716 ~~the appropriate department rule as alternative closure~~
717 ~~requirements.~~
718 (11) ~~(18)~~ Develop and implement or contract for services to
719 develop information on recovered materials markets and strategies
720 for market development and expansion for use of these materials.
721 Additionally, the department shall maintain a directory of
722 recycling businesses operating in the state and shall serve as a
723 coordinator to match recovered materials with markets. Such
724 directory shall be made available to the public and to local
725 governments to assist with their solid waste management

726 activities.
727 ~~(19) Authorize variances from solid waste closure rules~~
728 ~~adopted pursuant to this part, provided such variances are~~
729 ~~applied for and approved in accordance with s. 403.201 and will~~
730 ~~not result in significant threats to human health or the~~
731 ~~environment.~~
732 (12) ~~(20)~~ Establish accounts and deposit to the Solid Waste
733 Management Trust Fund and control and administer moneys it may
734 withdraw from the fund.
735 (13) ~~(21)~~ Manage a program of grants, using funds from the
736 Solid Waste Management Trust Fund and funds provided by the
737 Legislature for solid waste management, for programs for
738 recycling, composting, litter control, and special waste
739 management and for programs that ~~which~~ provide for the safe and
740 proper management of solid waste.
741 (14) ~~(22)~~ Budget and receive appropriated funds and accept,
742 receive, and administer grants or other funds or gifts from
743 public or private agencies, including the state and the Federal
744 Government, for the purpose of carrying out ~~the provisions of~~
745 this act.
746 (15) ~~(23)~~ Delegate its powers, enter into contracts, or take
747 such other actions as may be necessary to implement this act.
748 (16) ~~(24)~~ Receive and administer funds appropriated for
749 county hazardous waste management assessments.
750 (17) ~~(25)~~ Provide technical assistance to local governments
751 and regional agencies to ensure consistency between county
752 hazardous waste management assessments; coordinate the
753 development of such assessments with the assistance of the
754 appropriate regional planning councils; and review and make

755 recommendations to the Legislature relative to the sufficiency of
756 the assessments to meet state hazardous waste management needs.
757 (18) ~~(26)~~ Increase public education and public awareness of
758 solid and hazardous waste issues by developing and promoting
759 statewide programs of litter control, recycling, volume
760 reduction, and proper methods of solid waste and hazardous waste
761 management.
762 (19) ~~(27)~~ Assist the hazardous waste storage, treatment, or
763 disposal industry by providing to the industry any data produced
764 on the types and quantities of hazardous waste generated.
765 (20) ~~(28)~~ Institute a hazardous waste emergency response
766 program which would include emergency telecommunication
767 capabilities and coordination with appropriate agencies.
768 (21) ~~(29)~~ Adopt ~~Promulgate~~ rules necessary to accept
769 delegation of the hazardous waste management program from the
770 Environmental Protection Agency under the Hazardous and Solid
771 Waste Amendments of 1984, Pub. L. No. 98-616.
772 (22) ~~(30)~~ Adopt rules, if necessary, to address the
773 incineration and disposal of biomedical waste and the management
774 of biological waste within the state, whether such waste is
775 generated within this state or outside this state, as long as
776 such requirements and conditions are not based on the out-of-
777 state origin of the waste and are consistent with applicable
778 provisions of law.
779 Section 8. Section 403.7043, Florida Statutes, is amended
780 to read:
781 403.7043 Compost standards and applications.--
782 (1) In order to protect the state's land and water
783 resources, compost produced, utilized, or disposed of by the

784 composting process at solid waste management facilities in the
785 state must meet criteria established by the department.
786 (2) The department shall ~~Within 6 months after October 1,~~
787 ~~1988, the department shall initiate rulemaking to~~ establish and
788 maintain rules addressing standards for the production of compost
789 ~~and shall complete and promulgate those rules within 12 months~~
790 ~~after initiating the process of rulemaking~~, including rules
791 establishing:
792 (a) Requirements necessary to produce hygienically safe
793 compost products for varying applications.
794 (b) A classification scheme for compost based on~~:~~ the types
795 of waste composted, ~~including at least one type containing only~~
796 ~~yard trash;~~ the maturity of the compost, ~~including at least three~~
797 ~~degrees of decomposition for fresh, semimature, and mature;~~ and
798 the levels of organic and inorganic constituents in the compost.
799 This scheme shall address:
800 1. Methods for measurement of the compost maturity.
801 2. Particle sizes.
802 3. Moisture content.
803 4. Average levels of organic and inorganic constituents,
804 including heavy metals, for such classes of compost as the
805 department establishes, and the analytical methods to determine
806 those levels.
807 ~~(3) Within 6 months after October 1, 1988, the department~~
808 ~~shall initiate rulemaking to prescribe the allowable uses and~~
809 ~~application rates of compost and shall complete and promulgate~~
810 ~~those rules within 12 months after initiating the process of~~
811 ~~rulemaking, based on the following criteria:~~
812 ~~(a) The total quantity of organic and inorganic~~

813 ~~constituents, including heavy metals, allowed to be applied~~
814 ~~through the addition of compost to the soil per acre per year.~~
815 ~~(b) The allowable uses of compost based on maturity and~~
816 ~~type of compost.~~
817 ~~(4) If compost is produced which does not meet the criteria~~
818 ~~prescribed by the department for agricultural and other use, the~~
819 ~~compost must be reprocessed or disposed of in a manner approved~~
820 ~~by the department, unless a different application is specifically~~
821 ~~permitted by the department.~~
822 ~~(5) The provisions of s. 403.706 shall not prohibit any~~
823 ~~county or municipality which has in place a memorandum of~~
824 ~~understanding or other written agreement as of October 1, 1988,~~
825 ~~from proceeding with plans to build a compost facility.~~
826 Section 9. Subsections (1), (2), and (3) of section
827 403.7045, Florida Statutes, are amended to read:
828 403.7045 Application of act and integration with other
829 acts.--
830 (1) The following wastes or activities shall not be
831 regulated pursuant to this act:
832 (a) Byproduct material, source material, and special
833 nuclear material, the generation, transportation, disposal,
834 storage, or treatment of which is regulated under chapter 404 or
835 ~~under~~ the federal Atomic Energy Act of 1954, ch. 1073, 68 Stat.
836 923, as amended;
837 (b) Suspended solids and dissolved materials in domestic
838 sewage effluent or irrigation return flows or other discharges
839 which are point sources subject to permits pursuant to ~~provisions~~
840 ~~of~~ this chapter or ~~pursuant to~~ s. 402 of the Clean Water Act,
841 Pub. L. No. 95-217;

842 (c) Emissions to the air from a stationary installation or
843 source regulated under ~~provisions of~~ this chapter or ~~under~~ the
844 Clean Air Act, Pub. L. No. 95-95;
845 (d) Drilling fluids, produced waters, and other wastes
846 associated with the exploration for, or development and
847 production of, crude oil or natural gas which are regulated under
848 chapter 377; or
849 (e) Recovered materials or recovered materials processing
850 facilities ~~shall not be regulated pursuant to this act~~, except as
851 provided in s. 403.7046, if:
852 1. A majority of the recovered materials at the facility
853 are demonstrated to be sold, used, or reused within 1 year.
854 2. The recovered materials handled by the facility or the
855 products or byproducts of operations that process recovered
856 materials are not discharged, deposited, injected, dumped,
857 spilled, leaked, or placed into or upon any land or water by the
858 owner or operator of such facility so that such recovered
859 materials, products or byproducts, or any constituent thereof may
860 enter other lands or be emitted into the air or discharged into
861 any waters, including groundwaters, or otherwise enter the
862 environment such that a threat of contamination in excess of
863 applicable department standards and criteria is caused.
864 3. The recovered materials handled by the facility are not
865 hazardous wastes as defined under s. 403.703, and rules
866 promulgated pursuant thereto.
867 4. The facility is registered as required in s. 403.7046.
868 (f) Industrial byproducts, if:
869 1. A majority of the industrial byproducts are demonstrated
870 to be sold, used, or reused within 1 year.

871 2. The industrial byproducts are not discharged, deposited,
872 injected, dumped, spilled, leaked, or placed upon any land or
873 water so that such industrial byproducts, or any constituent
874 thereof, may enter other lands or be emitted into the air or
875 discharged into any waters, including groundwaters, or otherwise
876 enter the environment such that a threat of contamination in
877 excess of applicable department standards and criteria or a
878 significant threat to public health is caused.
879 3. The industrial byproducts are not hazardous wastes as
880 defined under s. 403.703 and rules adopted under this section.
881 (2) Except as provided in s. 403.704(9) ~~s. 403.704(15)~~, the
882 following wastes shall not be regulated as a hazardous waste
883 pursuant to this act, except when determined by the United States
884 Environmental Protection Agency to be a hazardous waste:
885 (a) Ashes and scrubber sludges generated from the burning
886 of boiler fuel for generation of electricity or steam.
887 (b) Agricultural and silvicultural byproduct material and
888 agricultural and silvicultural process waste from normal farming
889 or processing.
890 (c) Discarded material generated by the mining and
891 beneficiation and chemical or thermal processing of phosphate
892 rock, and precipitates resulting from neutralization of phosphate
893 chemical plant process and nonprocess waters.
894 (3) The following wastes or activities shall be regulated
895 pursuant to this act in the following manner:
896 (a) Dredged material that is generated as part of a project
897 permitted under part IV of chapter 373 or chapter 161, or that is
898 authorized to be removed from sovereign submerged lands under
899 chapter 253, ~~Dredge spoil or fill material~~ shall be managed in

900 accordance with the conditions of that permit or authorization
901 unless the dredged material is regulated as hazardous waste
902 pursuant to this part ~~disposed of pursuant to a dredge and fill~~
903 ~~permit, but whenever hazardous components are disposed of within~~
904 ~~the dredge or fill material, the dredge and fill permits shall~~
905 ~~specify the specific hazardous wastes contained and the~~
906 ~~concentration of each such waste~~. If the dredged material
907 contains hazardous substances, the department may further ~~then~~
908 limit or restrict the sale or use of the dredged ~~dredge and fill~~
909 material and may specify such other conditions relative to this
910 material as are reasonably necessary to protect the public from
911 the potential hazards. However, this paragraph does not require
912 the routine testing of dredge material for hazardous substances
913 unless there is a reasonable expectation that such substances
914 will be present.
915 (b) Hazardous wastes that ~~which~~ are contained in artificial
916 recharge waters or other waters intentionally introduced into any
917 underground formation and that ~~which~~ are permitted pursuant to s.
918 373.106 shall also be handled in compliance with the requirements
919 and standards for disposal, storage, and treatment of hazardous
920 waste under this act.
921 (c) Solid waste or hazardous waste facilities that ~~which~~
922 are operated as a part of the normal operation of a power
923 generating facility and which are licensed by certification
924 pursuant to the Florida Electrical Power Plant Siting Act, ss.
925 403.501-403.518, shall undergo such certification subject to the
926 substantive provisions of this act.
927 (d) Biomedical waste and biological waste shall be disposed
928 of only as authorized by the department. However, any person who

929 unknowingly disposes into a sanitary landfill or waste-to-energy
930 facility any such waste that ~~which~~ has not been properly
931 segregated or separated from other solid wastes by the generating
932 facility is not guilty of a violation under this act. ~~Nothing in~~
933 This paragraph does not ~~shall be construed to~~ prohibit the
934 department from seeking injunctive relief pursuant to s. 403.131
935 to prohibit the unauthorized disposal of biomedical waste or
936 biological waste.
937 Section 10. Paragraph (f) of subsection (2) of section
938 403.705, Florida Statutes, is amended to read:
939 403.705 State solid waste management program.--
940 (2) The state solid waste management program shall include,
941 at a minimum:
942 (f) Planning guidelines and technical assistance to
943 counties and municipalities to develop and implement programs for
944 alternative disposal or processing or recycling of the solid
945 wastes prohibited from disposal in landfills under s. 403.708(12)
946 ~~s. 403.708(13)~~ and for special wastes.
947 Section 11. Subsection (2) of section 403.7061, Florida
948 Statutes, is amended to read:
949 403.7061 Requirements for review of new waste-to-energy
950 facility capacity by the Department of Environmental
951 Protection.--
952 (2) Notwithstanding any other provisions of state law, the
953 department shall not issue a construction permit or certification
954 to build a waste-to-energy facility or expand an existing waste-
955 to-energy facility unless the facility meets the requirements set
956 forth in subsection (3). Any construction permit issued by the
957 department between January 1, 1993, and May 12, 1993, which does

958 not address these new requirements is ~~shall be~~ invalid. These new
959 requirements do not apply to the issuance of permits or permit
960 modifications to retrofit existing facilities with new or
961 improved pollution control equipment to comply with state or
962 federal law. The department may ~~shall~~ initiate rulemaking to
963 incorporate the criteria in subsection (3) into its permit review
964 process.
965 Section 12. Section 403.707, Florida Statutes, is amended
966 to read:
967 403.707 Permits.--
968 (1) A ~~No~~ solid waste management facility may not be
969 operated, maintained, constructed, expanded, modified, or closed
970 without an appropriate and currently valid permit issued by the
971 department. The department may by rule exempt specified types of
972 facilities from the requirement for a permit under this part if
973 it determines that construction or operation of the facility is
974 not expected to create any significant threat to the environment
975 or public health. For purposes of this part, and only when
976 specified by department rule, a permit may include registrations
977 as well as other forms of licenses as defined in s. 120.52. Solid
978 waste construction permits issued under this section may include
979 any permit conditions necessary to achieve compliance with the
980 recycling requirements of this act. The department shall pursue
981 reasonable timeframes for closure and construction requirements,
982 considering pending federal requirements and implementation costs
983 to the permittee. The department shall adopt a rule establishing
984 performance standards for construction and closure of solid waste
985 management facilities. The standards shall allow flexibility in
986 design and consideration for site-specific characteristics.

987 (2) Except as provided in s. 403.722(6), a ~~no~~ permit under
988 this section is not required for the following, if ~~provided that~~
989 the activity does ~~shall~~ not create a public nuisance or any
990 condition adversely affecting the environment or public health
991 and does ~~shall~~ not violate other state or local laws, ordinances,
992 rules, regulations, or orders:
993 (a) Disposal by persons of solid waste resulting from their
994 own activities on their own property, if ~~provided~~ such waste is
995 ~~either~~ ordinary household waste from their residential property
996 or is rocks, soils, trees, tree remains, and other vegetative
997 matter that ~~which~~ normally result from land development
998 operations. Disposal of materials that ~~which~~ could create a
999 public nuisance or adversely affect the environment or public
1000 health, such as~~:~~ white goods; automotive materials, such as
1001 batteries and tires; petroleum products; pesticides; solvents; or
1002 hazardous substances, is not covered under this exemption.
1003 (b) Storage in containers by persons of solid waste
1004 resulting from their own activities on their property, leased or
1005 rented property, or property subject to a homeowners or
1006 maintenance association for which the person contributes
1007 association assessments, if the solid waste in such containers is
1008 collected at least once a week.
1009 (c) Disposal by persons of solid waste resulting from their
1010 own activities on their property, if ~~provided~~ the environmental
1011 effects of such disposal on groundwater and surface waters are:
1012 1. Addressed or authorized by a site certification order
1013 issued under part II or a permit issued by the department under
1014 ~~pursuant to~~ this chapter or rules adopted pursuant to this
1015 chapter ~~thereto~~; or

1016 2. Addressed or authorized by, or exempted from the
1017 requirement to obtain, a groundwater monitoring plan approved by
1018 the department.
1019 (d) Disposal by persons of solid waste resulting from their
1020 own activities on their own property, if ~~provided that~~ such
1021 disposal occurred prior to October 1, 1988.
1022 (e) Disposal of solid waste resulting from normal farming
1023 operations as defined by department rule. Polyethylene
1024 agricultural plastic, damaged, nonsalvageable, untreated wood
1025 pallets, and packing material that cannot be feasibly recycled,
1026 which are used in connection with agricultural operations related
1027 to the growing, harvesting, or maintenance of crops, may be
1028 disposed of by open burning if a~~, provided that no~~ public
1029 nuisance or any condition adversely affecting the environment or
1030 the public health is not created by the open burning ~~thereby~~ and
1031 ~~that~~ state or federal ambient air quality standards are not
1032 violated.
1033 (f) The use of clean debris as fill material in any area.
1034 However, this paragraph does not exempt any person from obtaining
1035 any other required permits, and ~~nor~~ does not ~~it~~ affect a person's
1036 responsibility to dispose of clean debris appropriately if it is
1037 not to be used as fill material.
1038 (g) Compost operations that produce less than 50 cubic
1039 yards of compost per year when the compost produced is used on
1040 the property where the compost operation is located.
1041 (3) All applicable provisions of ss. 403.087 and 403.088,
1042 relating to permits, apply to the control of solid waste
1043 management facilities.
1044 (4) When application for a construction permit for a Class

1045 I ~~or Class II~~ solid waste disposal facility ~~area~~ is made, it is
1046 the duty of the department to provide a copy of the application,
1047 within 7 days after filing, to the water management district
1048 having jurisdiction where the area is to be located. The water
1049 management district may prepare an advisory report as to the
1050 impact on water resources. This report must ~~shall~~ contain the
1051 district's recommendations as to the disposition of the
1052 application and shall be submitted to the department no later
1053 than 30 days prior to the deadline for final agency action by the
1054 department. However, the failure of the department or the water
1055 management district to comply with the provisions of this
1056 subsection shall not be the basis for the denial, revocation, or
1057 remand of any permit or order issued by the department.
1058 (5) The department may not issue a construction permit
1059 pursuant to this part for a new solid waste landfill within 3,000
1060 feet of Class I surface waters.
1061 (6) The department may issue a construction permit pursuant
1062 to this part only to a solid waste management facility that
1063 provides the conditions necessary to control the safe movement of
1064 wastes or waste constituents into surface or ground waters or the
1065 atmosphere and that will be operated, maintained, and closed by
1066 qualified and properly trained personnel. Such facility must if
1067 necessary:
1068 (a) Use natural or artificial barriers that which are
1069 capable of controlling lateral or vertical movement of wastes or
1070 waste constituents into surface or ground waters.
1071 (b) Have a foundation or base that is capable of providing
1072 support for structures and waste deposits and capable of
1073 preventing foundation or base failure due to settlement,

1074 compression, or uplift.
1075 (c) Provide for the most economically feasible, cost-
1076 effective, and environmentally safe control of leachate, gas,
1077 stormwater, and disease vectors and prevent the endangerment of
1078 public health and the environment.
1079
1080 Open fires, air-curtain incinerators, or trench burning may not
1081 be used as a means of disposal at a solid waste management
1082 facility, unless permitted by the department under s. 403.087.
1083 (7) Prior to application for a construction permit, an
1084 applicant shall designate to the department temporary backup
1085 disposal areas or processes for the resource recovery facility.
1086 Failure to designate temporary backup disposal areas or processes
1087 shall result in a denial of the construction permit.
1088 (8) The department may refuse to issue a permit to an
1089 applicant who by past conduct in this state has repeatedly
1090 violated pertinent statutes, rules, or orders or permit terms or
1091 conditions relating to any solid waste management facility and
1092 who is deemed to be irresponsible as defined by department rule.
1093 For the purposes of this subsection, an applicant includes the
1094 owner or operator of the facility, or if the owner or operator is
1095 a business entity, a parent of a subsidiary corporation, a
1096 partner, a corporate officer or director, or a stockholder
1097 holding more than 50 percent of the stock of the corporation.
1098 ~~(9) Before or on the same day of filing with the department~~
1099 ~~of an application for any construction permit for the~~
1100 ~~incineration of biomedical waste which the department may require~~
1101 ~~by rule, the applicant shall notify each city and county within 1~~
1102 ~~mile of the facility of the filing of the application and shall~~

1103 ~~publish notice of the filing of the application. The applicant~~
1104 ~~shall publish a second notice of the filing within 14 days after~~
1105 ~~the date of filing. Each notice shall be published in a newspaper~~
1106 ~~of general circulation in the county in which the facility is~~
1107 ~~located or is proposed to be located. Notwithstanding the~~
1108 ~~provisions of chapter 50, for purposes of this section, a~~
1109 ~~"newspaper of general circulation" shall be the newspaper within~~
1110 ~~the county in which the installation or facility is proposed~~
1111 ~~which has the largest daily circulation in that county and has~~
1112 ~~its principal office in that county. If the newspaper with the~~
1113 ~~largest daily circulation has its principal office outside the~~
1114 ~~county, the notice shall appear in both the newspaper with the~~
1115 ~~largest daily circulation in that county, and a newspaper~~
1116 ~~authorized to publish legal notices in that county. The notice~~
1117 ~~shall contain:~~
1118 ~~(a) The name of the applicant and a brief description of~~
1119 ~~the facility and its location.~~
1120 ~~(b) The location of the application file and when it is~~
1121 ~~available for public inspection.~~
1122
1123 ~~The notice shall be prepared by the applicant and shall comply~~
1124 ~~with the following format:~~
1125
1126 ~~Notice of Application~~
1127
1128 ~~The Department of Environmental Protection announces receipt of~~
1129 ~~an application for a permit from (name of applicant) to~~
1130 ~~(brief description of project). This proposed project will be~~
1131 ~~located at (location) in (county) (city).~~

1132

1133 ~~This application is being processed and is available for public~~
1134 ~~inspection during normal business hours, 8:00 a.m. to 5:00 p.m.,~~
1135 ~~Monday through Friday, except legal holidays, at ___ (name and~~
1136 ~~address of office).~~
1137 ~~(10) A permit, which the department may require by rule,~~
1138 ~~for the incineration of biomedical waste, may not be transferred~~
1139 ~~by the permittee to any other entity, except in conformity with~~
1140 ~~the requirements of this subsection.~~
1141 ~~(a) Within 30 days after the sale or legal transfer of a~~
1142 ~~permitted facility, the permittee shall file with the department~~
1143 ~~an application for transfer of the permits on such form as the~~
1144 ~~department shall establish by rule. The form must be completed~~
1145 ~~with the notarized signatures of both the transferring permittee~~
1146 ~~and the proposed permittee.~~
1147 ~~(b) The department shall approve the transfer of a permit~~
1148 ~~unless it determines that the proposed permittee has not provided~~
1149 ~~reasonable assurances that the proposed permittee has the~~
1150 ~~administrative, technical, and financial capability to properly~~
1151 ~~satisfy the requirements and conditions of the permit, as~~
1152 ~~determined by department rule. The determination shall be limited~~
1153 ~~solely to the ability of the proposed permittee to comply with~~
1154 ~~the conditions of the existing permit, and it shall not concern~~
1155 ~~the adequacy of the permit conditions. If the department proposes~~
1156 ~~to deny the transfer, it shall provide both the transferring~~
1157 ~~permittee and the proposed permittee a written objection to such~~
1158 ~~transfer together with notice of a right to request a proceeding~~
1159 ~~on such determination under chapter 120.~~
1160 ~~(c) Within 90 days after receiving a properly completed~~

1161 ~~application for transfer of a permit, the department shall issue~~
1162 ~~a final determination. The department may toll the time for~~
1163 ~~making a determination on the transfer by notifying both the~~
1164 ~~transferring permittee and the proposed permittee that additional~~
1165 ~~information is required to adequately review the transfer~~
1166 ~~request. Such notification shall be provided within 30 days after~~
1167 ~~receipt of an application for transfer of the permit, completed~~
1168 ~~pursuant to paragraph (a). If the department fails to take action~~
1169 ~~to approve or deny the transfer within 90 days after receipt of~~
1170 ~~the completed application or within 90 days after receipt of the~~
1171 ~~last item of timely requested additional information, the~~
1172 ~~transfer shall be deemed approved.~~
1173 ~~(d) The transferring permittee is encouraged to apply for a~~
1174 ~~permit transfer well in advance of the sale or legal transfer of~~
1175 ~~a permitted facility. However, the transfer of the permit shall~~
1176 ~~not be effective prior to the sale or legal transfer of the~~
1177 ~~facility.~~
1178 ~~(e) Until the transfer of the permit is approved by the~~
1179 ~~department, the transferring permittee and any other person~~
1180 ~~constructing, operating, or maintaining the permitted facility~~
1181 ~~shall be liable for compliance with the terms of the permit.~~
1182 ~~Nothing in this section shall relieve the transferring permittee~~
1183 ~~of liability for corrective actions that may be required as a~~
1184 ~~result of any violations occurring prior to the legal transfer of~~
1185 ~~the permit.~~
1186 ~~(11) The department shall review all permit applications~~
1187 ~~for any designated Class I solid waste disposal facility. As used~~
1188 ~~in this subsection, the term "designated Class I solid waste~~
1189 ~~disposal facility" means any facility that is, as of May 12,~~

1190 ~~1993, a solid waste disposal facility classified as an active~~
1191 ~~Class I landfill by the department, that is located in whole or~~
1192 ~~in part within 1,000 feet of the boundary of any municipality,~~
1193 ~~but that is not located within any county with an approved~~
1194 ~~charter or consolidated municipal government, is not located~~
1195 ~~within any municipality, and is not operated by a municipality.~~
1196 ~~The department shall not permit vertical expansion or horizontal~~
1197 ~~expansion of any designated Class I solid waste disposal facility~~
1198 ~~unless the application for such permit was filed before January~~
1199 ~~1, 1993, and no solid waste management facility may be operated~~
1200 ~~which is a vertical expansion or horizontal expansion of a~~
1201 ~~designated Class I solid waste disposal facility. As used in this~~
1202 ~~subsection, the term "vertical expansion" means any activity that~~
1203 ~~will result in an increase in the height of a designated Class I~~
1204 ~~solid waste disposal facility above 100 feet National Geodetic~~
1205 ~~Vertical Datum, except solely for closure, and the term~~
1206 ~~"horizontal expansion" means any activity that will result in an~~
1207 ~~increase in the ground area covered by a designated Class I solid~~
1208 ~~waste disposal facility, or if within 1 mile of a designated~~
1209 ~~Class I solid waste disposal facility, any new or expanded~~
1210 ~~operation of any solid waste disposal facility or area, or of~~
1211 ~~incineration of solid waste, or of storage of solid waste for~~
1212 ~~more than 1 year, or of composting of solid waste other than yard~~
1213 ~~trash.~~
1214 (9) ~~(12)~~ The department shall establish a separate category
1215 for solid waste management facilities that ~~which~~ accept only
1216 construction and demolition debris for disposal or recycling. The
1217 department shall establish a reasonable schedule for existing
1218 facilities to comply with this section to avoid undue hardship to

1219 such facilities. However, a permitted solid waste disposal unit
1220 that ~~which~~ receives a significant amount of waste prior to the
1221 compliance deadline established in this schedule shall not be
1222 required to be retrofitted with liners or leachate control
1223 systems. ~~Facilities accepting materials defined in s.~~
1224 ~~403.703(17)(b) must implement a groundwater monitoring system~~
1225 ~~adequate to detect contaminants that may reasonably be expected~~
1226 ~~to result from such disposal prior to the acceptance of those~~
1227 ~~materials.~~
1228 (a) The department shall establish reasonable construction,
1229 operation, monitoring, recordkeeping, financial assurance, and
1230 closure requirements for such facilities. The department shall
1231 take into account the nature of the waste accepted at various
1232 facilities when establishing these requirements, and may impose
1233 less stringent requirements, including a system of general
1234 permits or registration requirements, for facilities that accept
1235 only a segregated waste stream which is expected to pose a
1236 minimal risk to the environment and public health, such as clean
1237 debris. The Legislature recognizes that incidental amounts of
1238 other types of solid waste are commonly generated at construction
1239 or demolition projects. In any enforcement action taken pursuant
1240 to this section, the department shall consider the difficulty of
1241 removing these incidental amounts from the waste stream.
1242 (b) The department shall not require liners and leachate
1243 collection systems at individual facilities unless it
1244 demonstrates, based upon the types of waste received, the methods
1245 for controlling types of waste disposed of, the proximity of
1246 groundwater and surface water, and the results of the
1247 hydrogeological and geotechnical investigations, that the

1248 facility is reasonably expected to result in violations of
1249 groundwater standards and criteria otherwise.
1250 (c) The owner or operator shall provide financial assurance
1251 for closing of the facility in accordance with the requirements
1252 of s. 403.7125. The financial assurance shall cover the cost of
1253 closing the facility and 5 years of long-term care after closing,
1254 unless the department determines, based upon hydrogeologic
1255 conditions, the types of wastes received, or the groundwater
1256 monitoring results, that a different long-term care period is
1257 appropriate. However, unless the owner or operator of the
1258 facility is a local government, the escrow account described in
1259 s. 403.7125(2) ~~s. 403.7125(3)~~ may not be used as a financial
1260 assurance mechanism.
1261 (d) The department shall establish training requirements
1262 for operators of facilities, and shall work with the State
1263 University System or other providers to assure that adequate
1264 training courses are available. The department shall also assist
1265 the Florida Home Builders Association in establishing a component
1266 of its continuing education program to address proper handling of
1267 construction and demolition debris, including best management
1268 practices for reducing contamination of the construction and
1269 demolition debris waste stream.
1270 (e) The issuance of a permit under this subsection does not
1271 obviate the need to comply with all applicable zoning and land
1272 use regulations.
1273 (f) A permit is not required under this section for the
1274 disposal of construction and demolition debris on the property
1275 where it is generated, but such property must be covered, graded,
1276 and vegetated as necessary when disposal is complete.

1277 (g) It is the policy of the Legislature to encourage
1278 facilities to recycle. The department shall establish criteria
1279 and guidelines that encourage recycling where practical and
1280 provide for the use of recycled materials in a manner that
1281 protects the public health and the environment. Facilities are
1282 authorized to recycle, provided such activities do not conflict
1283 with such criteria and guidelines.
1284 (h) The department shall ensure that the requirements of
1285 this section are applied and interpreted consistently throughout
1286 the state. In accordance with s. 20.255, the Division of Waste
1287 Management shall direct the district offices and bureaus on
1288 matters relating to the interpretation and applicability of this
1289 section.
1290 (i) The department shall provide notice of receipt of a
1291 permit application for the initial construction of a construction
1292 and demolition debris disposal facility to the local governments
1293 having jurisdiction where the facility is to be located.
1294 (j) The Legislature recognizes that recycling, waste
1295 reduction, and resource recovery are important aspects of an
1296 integrated solid waste management program and as such are
1297 necessary to protect the public health and the environment. If
1298 necessary to promote such an integrated program, the county may
1299 determine, after providing notice and an opportunity for a
1300 hearing prior to April 30, 2008 ~~December 31, 1996~~, that some or
1301 all of the ~~wood~~ material described in s. 403.703(6)(b) ~~s.~~
1302 ~~403.703(17)(b)~~ shall be excluded from the definition of
1303 "construction and demolition debris" in s. 403.703(6) ~~s.~~
1304 ~~403.703(17)~~ within the jurisdiction of such county. The county
1305 may make such a determination only if it finds that, prior to

1306 June 1, 2007 ~~1996~~, the county has established an adequate method
1307 for the use or recycling of such wood material at an existing or
1308 proposed solid waste management facility that is permitted or
1309 authorized by the department on June 1, 2007 ~~1996~~. The county is
1310 ~~shall~~ not ~~be~~ required to hold a hearing if the county represents
1311 that it previously has held a hearing for such purpose, or ~~nor~~
1312 ~~shall the county be required to hold a hearing~~ if the county
1313 represents that it previously has held a public meeting or
1314 hearing that authorized such method for the use or recycling of
1315 trash or other nonputrescible waste materials and ~~if the county~~
1316 ~~further represents~~ that such materials include those materials
1317 described in s. 403.703(6)(b) ~~s. 403.703(17)(b)~~. The county shall
1318 provide written notice of its determination to the department by
1319 no later than April 30, 2008 ~~December 31, 1996~~; thereafter, the
1320 ~~wood~~ materials described in s. 403.703(6) ~~s. 403.703(17)(b)~~ shall
1321 be excluded from the definition of "construction and demolition
1322 debris" in s. 403.703(6) ~~s. 403.703(17)~~ within the jurisdiction
1323 of such county. The county may withdraw or revoke its
1324 determination at any time by providing written notice to the
1325 department.
1326 (k) Brazilian pepper and other invasive exotic plant
1327 species as designated by the department resulting from
1328 eradication projects may be processed at permitted construction
1329 and demolition debris recycling facilities or disposed of at
1330 permitted construction and demolition debris disposal facilities
1331 or Class III facilities. The department may adopt rules to
1332 implement this paragraph.
1333 (10) ~~(13)~~ If the department and a local government
1334 independently require financial assurance for the closure of a

1335 privately owned solid waste management facility, the department
1336 and that local government shall enter into an interagency
1337 agreement that will allow the owner or operator to provide a
1338 single financial mechanism to cover the costs of closure and any
1339 required long-term care. The financial mechanism may provide for
1340 the department and local government to be cobeneficiaries or
1341 copayees, but shall not impose duplicative financial requirements
1342 on the owner or operator. These closure costs must include at
1343 least the minimum required by department rules and must also
1344 include any additional costs required by local ordinance or
1345 regulation.
1346 (11) ~~(14)~~ Before or on the same day of filing with the
1347 department of an application for a permit to construct or
1348 substantially modify a solid waste management facility, the
1349 applicant shall notify the local government having jurisdiction
1350 over the facility of the filing of the application. The applicant
1351 also shall publish notice of the filing of the application in a
1352 newspaper of general circulation in the area where the facility
1353 will be located. Notice shall be given and published in
1354 accordance with applicable department rules. The department shall
1355 not issue the requested permit until the applicant has provided
1356 the department with proof that the notices required by this
1357 subsection have been given. Issuance of a permit does not relieve
1358 an applicant from compliance with local zoning or land use
1359 ordinances, or with any other law, rules, or ordinances.
1360 (12) ~~(15)~~ Construction and demolition debris must be
1361 separated from the solid waste stream and segregated in separate
1362 locations at a solid waste disposal facility or other permitted
1363 site.

1364 (13) ~~(16)~~ A ~~No~~ facility shall not be considered a solid
1365 waste disposal facility~~,~~ solely by virtue of the fact that it
1366 uses processed yard trash or clean wood or paper waste as a fuel
1367 source~~, shall be considered to be a solid waste disposal~~
1368 ~~facility~~.
1369 (14)(a) A permit to operate a solid waste management
1370 facility may not be transferred by the permittee to any other
1371 entity without the consent of the department. If the permitted
1372 facility is sold or transferred, or if control of the facility is
1373 transferred, the permittee must submit to the department an
1374 application for transfer of permit no later than 30 days after
1375 the transfer of ownership or control. The department shall
1376 approve the transfer of a permit unless it determines that the
1377 proposed new permittee has not provided reasonable assurance that
1378 the conditions of the permit will be met. A permit may not be
1379 transferred until proof of financial assurance is provided by the
1380 proposed new permittee.
1381 (b) Until the transfer is approved by the department, the
1382 existing permittee is liable for compliance with the permit,
1383 including the financial-assurance requirements. When the transfer
1384 has been approved, the department shall return to the
1385 transferring permittee any means of proof of financial assurance
1386 which the permittee provided to the department and the permittee
1387 is released from obligations to comply with the transferred
1388 permit.
1389 (c) An application for the transfer of a permit must
1390 clearly state in bold letters that the permit may not be
1391 transferred without proof of compliance with financial-assurance
1392 requirements. Until the permit is transferred, the new owner or

1393 operator may not operate the facility without the express consent
1394 of the permittee.
1395 (d) The department may adopt rules to administer this
1396 subsection, including procedural rules and the permit-transfer
1397 form.
1398 Section 13. Section 403.7071, Florida Statutes, is created
1399 to read:
1400 403.7071 Management of storm-generated debris.--Solid waste
1401 generated as a result of a storm event that is the subject of an
1402 emergency order issued by the department may be managed as
1403 follows:
1404 (1) Recycling and reuse of storm-generated vegetative
1405 debris is encouraged to the greatest extent practicable. Such
1406 recycling and reuse must be conducted in accordance with
1407 applicable department rules and may include, but is not limited
1408 to, chipping and grinding of the vegetative debris to be
1409 beneficially used as a ground cover or soil amendment, compost,
1410 or as a combustible fuel for any applicable commercial or
1411 industrial application.
1412 (2) The department may issue field authorizations for
1413 staging areas in those counties affected by a storm event. Such
1414 staging areas may be used for the temporary storage and
1415 management of storm-generated debris, including the chipping,
1416 grinding, or burning of vegetative debris. Field authorizations
1417 may include specific conditions for the operation and closure of
1418 the staging area and must specify the date that closure is
1419 required. To the greatest extent possible, staging areas may not
1420 be located in wetlands or other surface waters. The area that is
1421 used or affected by a staging area must be fully restored upon

1422 cessation of the use of the area.
1423 (3) Storm-generated vegetative debris managed at a staging
1424 area may be disposed of in a permitted lined or unlined landfill,
1425 a permitted land clearing debris facility, a permitted or
1426 certified waste-to-energy facility, or a permitted construction
1427 and demolition debris disposal facility. Vegetative debris may
1428 also be managed at a permitted waste processing facility or a
1429 registered yard-trash processing facility.
1430 (4) Construction and demolition debris that is mixed with
1431 other storm-generated debris need not be segregated from other
1432 solid waste before disposal in a lined landfill. Construction and
1433 demolition debris that is source separated or is separated from
1434 other hurricane-generated debris at an authorized staging area,
1435 or at another area permitted or specifically authorized by the
1436 department, may be managed at a permitted construction and
1437 demolition debris disposal facility, a Class III landfill, or a
1438 recycling facility upon approval by the department of the methods
1439 and operational practices used to inspect the waste during
1440 segregation.
1441 (5) Unsalvageable refrigerators and freezers containing
1442 solid waste, such as rotting food, which may create a sanitary
1443 nuisance may be disposed of in a permitted lined landfill;
1444 however, chlorofluorocarbons and capacitors must be removed and
1445 recycled to the greatest extent practicable.
1446 (6) Local governments or their agents may conduct the
1447 burning of storm-generated yard trash, other storm-generated
1448 vegetative debris, or untreated wood from construction and
1449 demolition debris in air-curtain incinerators without prior
1450 notice to the department. Within 10 days after commencing such

1451 burning, the local government shall notify the department in
1452 writing describing the general nature of the materials burned;
1453 the location and method of burning; and the name, address, and
1454 telephone number of the representative of the local government to
1455 contact concerning the work. The operator of the air-curtain
1456 incinerator is subject to any requirement of the Division of
1457 Forestry or of any other agency concerning authorization to
1458 conduct open burning. Any person conducting open burning of
1459 vegetative debris is also subject to such requirements.
1460 Section 14. Section 403.708, Florida Statutes, is amended
1461 to read:
1462 403.708 Prohibition; penalty.--
1463 (1) A ~~No~~ person may not ~~shall~~:
1464 (a) Place or deposit any solid waste in or on the land or
1465 waters located within the state except in a manner approved by
1466 the department and consistent with applicable approved programs
1467 of counties or municipalities. However, ~~nothing in~~ this act does
1468 not ~~shall be construed to~~ prohibit the disposal of solid waste
1469 without a permit as provided in s. 403.707(2).
1470 (b) Burn solid waste except in a manner prescribed by the
1471 department and consistent with applicable approved programs of
1472 counties or municipalities.
1473 (c) Construct, alter, modify, or operate a solid waste
1474 management facility or site without first having obtained from
1475 the department any permit required by s. 403.707.
1476 (2) A ~~No~~ beverage may not ~~shall~~ be sold or offered for sale
1477 within the state in a beverage container designed and constructed
1478 so that the container is opened by detaching a metal ring or tab.
1479 As used in this subsection, the term

1480 ~~(3) For purposes of subsections (2), (9), and (10):~~
1481 ~~(a) "Degradable," with respect to any material, means that~~
1482 ~~such material, after being discarded, is capable of decomposing~~
1483 ~~to components other than heavy metals or other toxic substances,~~
1484 ~~after exposure to bacteria, light, or outdoor elements.~~
1485 (a) ~~(b)~~ "Beverage" means soda water, carbonated natural or
1486 mineral water, or other nonalcoholic carbonated drinks; soft
1487 drinks, whether or not carbonated; beer, ale, or other malt drink
1488 of whatever alcoholic content; or a mixed wine drink or a mixed
1489 spirit drink.
1490 (b) ~~(c)~~ "Beverage container" means an airtight container
1491 that ~~which~~ at the time of sale contains 1 gallon or less of a
1492 beverage, or the metric equivalent of 1 gallon or less, and that
1493 ~~which~~ is composed of metal, plastic, or glass or a combination
1494 thereof.
1495 (3) ~~(4)~~ The Division of Alcoholic Beverages and Tobacco of
1496 the Department of Business and Professional Regulation may impose
1497 a fine of not more than $100 on any person currently licensed
1498 pursuant to s. 561.14 for each violation of ~~the provisions of~~
1499 subsection (2). If the violation is of a continuing nature, each
1500 day during which such violation occurs constitutes ~~shall~~
1501 ~~constitute~~ a separate ~~and distinct~~ offense and is ~~shall be~~
1502 subject to a separate fine.
1503 (4) ~~(5)~~ The Department of Agriculture and Consumer Services
1504 may impose a fine of not more than $100 against ~~on~~ any person not
1505 currently licensed pursuant to s. 561.14 for each violation of
1506 the provisions of subsection (2). If the violation is of a
1507 continuing nature, each day during which such violation occurs
1508 constitutes ~~shall constitute~~ a separate ~~and distinct~~ offense and

1509 is ~~shall be~~ subject to a separate fine.
1510 (5) ~~(6)~~ Fifty percent of each fine collected pursuant to
1511 subsections (3) ~~(4)~~ and (4) ~~(5)~~ shall be deposited into the Solid
1512 Waste Management Trust Fund. The balance of fines collected
1513 pursuant to subsection (3) ~~(4)~~ shall be deposited into the
1514 Alcoholic Beverage and Tobacco Trust Fund for the use of the
1515 division for inspection and enforcement of ~~the provisions of~~ this
1516 section. The balance of fines collected pursuant to subsection
1517 (4) ~~(5)~~ shall be deposited into the General Inspection Trust Fund
1518 for the use of the Department of Agriculture and Consumer
1519 Services for inspection and enforcement of ~~the provisions of~~ this
1520 section.
1521 (6) ~~(7)~~ The Division of Alcoholic Beverages and Tobacco and
1522 the Department of Agriculture and Consumer Services shall
1523 coordinate their responsibilities under ~~the provisions of~~ this
1524 section to ensure that inspections and enforcement are
1525 accomplished in an efficient, cost-effective manner.
1526 (7) ~~(8)~~ A person may not distribute, sell, or expose for
1527 sale in this state any plastic bottle or rigid container intended
1528 for single use unless such container has a molded label
1529 indicating the plastic resin used to produce the plastic
1530 container. The label must appear on or near the bottom of the
1531 plastic container product and be clearly visible. This label must
1532 consist of a number placed inside a triangle and letters placed
1533 below the triangle. The triangle must be equilateral and must be
1534 formed by three arrows, and, in the middle of each arrow, there
1535 must be a rounded bend that forms one apex of the triangle. The
1536 pointer, or arrowhead, of each arrow must be at the midpoint of a
1537 side of the triangle, and a short gap must separate each pointer

1538 from the base of the adjacent arrow. The three curved arrows that
1539 form the triangle must depict a clockwise path around the code
1540 number. Plastic bottles of less than 16 ounces, rigid plastic
1541 containers of less than 8 ounces, and plastic casings on lead-
1542 acid storage batteries are not required to be labeled under this
1543 subsection ~~section~~. The numbers and letters must be as follows:
1544 (a) For polyethylene terephthalate, the letters "PETE" and
1545 the number 1.
1546 (b) For high-density polyethylene, the letters "HDPE" and
1547 the number 2.
1548 (c) For vinyl, the letter "V" and the number 3.
1549 (d) For low-density polyethylene, the letters "LDPE" and
1550 the number 4.
1551 (e) For polypropylene, the letters "PP" and the number 5.
1552 (f) For polystyrene, the letters "PS" and the number 6.
1553 (g) For any other, the letters "OTHER" and the number 7.
1554 (8) ~~(9)~~ A ~~No~~ person may not ~~shall~~ distribute, sell, or
1555 expose for sale in this state any product packaged in a container
1556 or packing material manufactured with fully halogenated
1557 chlorofluorocarbons ~~(CFC)~~. Producers of containers or packing
1558 material manufactured with chlorofluorocarbons ~~(CFC)~~ are urged to
1559 introduce alternative packaging materials that ~~which~~ are
1560 environmentally compatible.
1561 (9) ~~(10)~~ The packaging of products manufactured or sold in
1562 the state may not be controlled by governmental rule, regulation,
1563 or ordinance adopted after March 1, 1974, other than as expressly
1564 provided in this act.
1565 (10) ~~(11)~~ Violations of this part or rules, regulations,
1566 permits, or orders issued thereunder by the department and

1567 violations of approved local programs of counties or
1568 municipalities or rules, regulations, or orders issued thereunder
1569 are ~~shall be~~ punishable by a civil penalty as provided in s.
1570 403.141.
1571 (11) ~~(12)~~ The department or any county or municipality may
1572 also seek to enjoin the violation of, or enforce compliance with,
1573 this part or any program adopted hereunder as provided in s.
1574 403.131.
1575 (12) ~~(13)~~ A ~~In accordance with the following schedule, no~~
1576 person who knows or ~~who~~ should know of the nature of the
1577 following types of ~~such~~ solid waste may not ~~shall~~ dispose of such
1578 solid waste in landfills:
1579 (a) Lead-acid batteries~~, after January 1, 1989~~. Lead-acid
1580 batteries also may ~~shall~~ not be disposed of in any waste-to-
1581 energy facility ~~after January 1, 1989~~. To encourage proper
1582 collection and recycling, all persons who sell lead-acid
1583 batteries at retail shall accept used lead-acid batteries as
1584 trade-ins for new lead-acid batteries.
1585 (b) Used oil~~, after October 1, 1988~~.
1586 (c) Yard trash~~, after January 1, 1992, except~~ in lined
1587 ~~unlined~~ landfills classified by department rule as Class I
1588 landfills. Yard trash that is source separated from solid waste
1589 may be accepted at a solid waste disposal area where ~~the area~~
1590 ~~provides and maintains~~ separate yard trash composting facilities
1591 are provided and maintained. The department recognizes that
1592 incidental amounts of yard trash may be disposed of in Class I
1593 ~~lined~~ landfills. In any enforcement action taken pursuant to this
1594 paragraph, the department shall consider the difficulty of
1595 removing incidental amounts of yard trash from a mixed solid

1596 waste stream.
1597 (d) White goods~~, after January 1, 1990~~.
1598
1599 ~~Prior to the effective dates specified in paragraphs (a)-(d), the~~
1600 ~~department shall identify and assist in developing alternative~~
1601 ~~disposal, processing, or recycling options for the solid wastes~~
1602 ~~identified in paragraphs (a)-(d).~~
1603 Section 15. Section 403.709, Florida Statutes, is amended
1604 to read:
1605 403.709 Solid Waste Management Trust Fund; use of waste
1606 tire fees.--There is created the Solid Waste Management Trust
1607 Fund, to be administered by the department.
1608 (1) ~~From~~ The annual revenues deposited in the trust fund,
1609 unless otherwise specified in the General Appropriations Act,
1610 shall be used to:
1611 (a) ~~(1)~~ Fund ~~Up to 40 percent shall be used for funding~~
1612 solid waste activities of the department and other state
1613 agencies, such as providing technical assistance to local
1614 governments and the private sector, performing solid waste
1615 regulatory and enforcement functions, preparing solid waste
1616 documents, and implementing solid waste education programs.
1617 (b) ~~(2)~~ Fund ~~Up to 4.5 percent shall be used for funding~~
1618 research and training programs relating to solid waste management
1619 through the Center for Solid and Hazardous Waste Management and
1620 other organizations that ~~which~~ can reasonably demonstrate the
1621 capability to carry out such projects.
1622 (c) ~~(3)~~ ~~Up to 11 percent shall be used for funding to~~
1623 Supplement any other funds provided to the Department of
1624 Agriculture and Consumer Services for mosquito control. This

1625 distribution shall be annually transferred to the General
1626 Inspection Trust Fund in the Department of Agriculture and
1627 Consumer Services to be used for mosquito control, especially
1628 control of West Nile Virus.
1629 (d) ~~(4)~~ Fund ~~Up to 4.5 percent shall be used for funding to~~
1630 the Department of Transportation for litter prevention and
1631 control programs at the local level ~~coordinated by Keep Florida~~
1632 ~~Beautiful, Inc~~.
1633 (e) ~~(5)~~ Fund ~~A minimum of 40 percent shall be used for~~
1634 ~~funding~~ a competitive and innovative grant program pursuant to s.
1635 403.7095 for activities relating to recycling and reducing the
1636 volume of municipal solid waste, including waste tires requiring
1637 final disposal.
1638 (2) ~~(6)~~ The department shall recover to the use of the fund
1639 from the site owner or the person responsible for the
1640 accumulation of tires at the site, jointly and severally, all
1641 sums expended from the fund pursuant to this section to manage
1642 tires at an illegal waste tire site, except that the department
1643 may decline to pursue such recovery if it finds the amount
1644 involved too small or the likelihood of recovery too uncertain.
1645 If a court determines that the owner is unable or unwilling to
1646 comply with the rules adopted pursuant to this section or s.
1647 403.717, the court may authorize the department to take
1648 possession and control of the waste tire site in order to protect
1649 the health, safety, and welfare of the community and the
1650 environment.
1651 (3) ~~(7)~~ The department may impose a lien on the real
1652 property on which the waste tire site is located and the waste
1653 tires equal to the estimated cost to bring the tire site into

1654 compliance, including attorney's fees and court costs. Any owner
1655 whose property has such a lien imposed may release her or his
1656 property from any lien claimed under this subsection by filing
1657 with the clerk of the circuit court a cash or surety bond,
1658 payable to the department in the amount of the estimated cost of
1659 bringing the tire site into compliance with department rules,
1660 including attorney's fees and court costs, or the value of the
1661 property after the abatement action is complete, whichever is
1662 less. A lien provided by this subsection may not continue for a
1663 period longer than 4 years after the abatement action is
1664 completed, unless within that period an action to enforce the
1665 lien is commenced in a court of competent jurisdiction. The
1666 department may take action to enforce the lien in the same manner
1667 used for construction liens under part I of chapter 713.
1668 (4) ~~(8)~~ This section does not limit the use of other
1669 remedies available to the department.
1670 Section 16. Subsection (5) of section 403.7095, Florida
1671 Statutes, is amended to read:
1672 403.7095 Solid waste management grant program.--
1673 (5) From the funds made available pursuant to s.
1674 403.709(1)(e) ~~s. 403.709(5)~~ for the grant program created by this
1675 section, the following distributions shall be made:
1676 (a) Up to 15 percent for the program described in
1677 subsection (1);
1678 (b) Up to 35 percent for the program described in
1679 subsection (3); and
1680 (c) Up to 50 percent for the program described in
1681 subsection (4).
1682 Section 17. Section 403.7125, Florida Statutes, is amended

1683 to read:
1684 403.7125 Financial assurance for closure ~~Landfill~~
1685 ~~management escrow account~~.--
1686 ~~(1) As used in this section:~~
1687 ~~(a) "Landfill" means any solid waste land disposal area for~~
1688 ~~which a permit, other than a general permit, is required by s.~~
1689 ~~403.707 that receives solid waste for disposal in or upon land~~
1690 ~~other than a land-spreading site, injection well, or a surface~~
1691 ~~impoundment.~~
1692 ~~(b) "Closure" means the ceasing operation of a landfill and~~
1693 ~~securing such landfill so that it does not pose a significant~~
1694 ~~threat to public health or the environment and includes long-term~~
1695 ~~monitoring and maintenance of a landfill.~~
1696 ~~(c) "Owner or operator" means, in addition to the usual~~
1697 ~~meanings of the term, any owner of record of any interest in land~~
1698 ~~whereon a landfill is or has been located and any person or~~
1699 ~~corporation which owns a majority interest in any other~~
1700 ~~corporation which is the owner or operator of a landfill.~~
1701 (1)~~(2)~~ Every owner or operator of a landfill is jointly and
1702 severally liable for the improper operation and closure of the
1703 landfill, as provided by law. As used in this section, the term
1704 "owner or operator" means any owner of record of any interest in
1705 land wherein a landfill is or has been located and any person or
1706 corporation that owns a majority interest in any other
1707 corporation that is the owner or operator of a landfill.
1708 (2)~~(3)~~ The owner or operator of a landfill owned or
1709 operated by a local or state government or the Federal Government
1710 shall establish a fee, or a surcharge on existing fees or other
1711 appropriate revenue-producing mechanism, to ensure the

1712 availability of financial resources for the proper closure of the
1713 landfill. However, the disposal of solid waste by persons on
1714 their own property, as described in s. 403.707(2), is exempt from
1715 ~~the provisions of~~ this section.
1716 (a) The revenue-producing mechanism must produce revenue at
1717 a rate sufficient to generate funds to meet state and federal
1718 landfill closure requirements.
1719 (b) The revenue shall be deposited in an interest-bearing
1720 escrow account to be held and administered by the owner or
1721 operator. The owner or operator shall file with the department an
1722 annual audit of the account. The audit shall be conducted by an
1723 independent certified public accountant. Failure to collect or
1724 report such revenue, except as allowed in subsection (3) ~~(4)~~, is
1725 a noncriminal violation punishable by a fine of not more than
1726 $5,000 for each offense. The owner or operator may make
1727 expenditures from the account and its accumulated interest only
1728 for the purpose of landfill closure and, if such expenditures do
1729 not deplete the fund to the detriment of eventual closure, for
1730 planning and construction of resource recovery or landfill
1731 facilities. Any moneys remaining in the account after paying for
1732 proper and complete closure, as determined by the department,
1733 shall, if the owner or operator does not operate a landfill, be
1734 deposited by the owner or operator into the general fund or the
1735 appropriate solid waste fund of the local government of
1736 jurisdiction.
1737 (c) The revenue generated under this subsection and any
1738 accumulated interest thereon may be applied to the payment of, or
1739 pledged as security for, the payment of revenue bonds issued in
1740 whole or in part for the purpose of complying with state and

1741 federal landfill closure requirements. Such application or pledge
1742 may be made directly in the proceedings authorizing such bonds or
1743 in an agreement with an insurer of bonds to assure such insurer
1744 of additional security therefor.
1745 (d) The provisions of s. 212.055 which ~~that~~ relate to
1746 raising of revenues for landfill closure or long-term maintenance
1747 do not relieve a landfill owner or operator from the obligations
1748 of this section.
1749 (e) The owner or operator of any landfill that had
1750 established an escrow account in accordance with this section and
1751 the conditions of its permit prior to January 1, 2007, may
1752 continue to use that escrow account to provide financial
1753 assurance for closure of that landfill, even if that landfill is
1754 not owned or operated by a local or state government or the
1755 Federal Government.
1756 (3) ~~(4)~~ An owner or operator of a landfill owned or operated
1757 by a local or state government or by the Federal Government may
1758 provide financial assurance to ~~establish proof of financial~~
1759 ~~responsibility with~~ the department in lieu of the requirements of
1760 subsection (2) ~~(3)~~. An owner or operator of any other landfill,
1761 or any other solid waste management facility designated by
1762 department rule, shall provide financial assurance to the
1763 department for the closure of the facility. Such financial
1764 assurance ~~proof~~ may include surety bonds, certificates of
1765 deposit, securities, letters of credit, or other documents
1766 showing that the owner or operator has sufficient financial
1767 resources to cover, at a minimum, the costs of complying with
1768 applicable ~~landfill~~ closure requirements. The owner or operator
1769 shall estimate such costs to the satisfaction of the department.

1770 (4)~~(5)~~ This section does not repeal, limit, or abrogate any
1771 other law authorizing local governments to fix, levy, or charge
1772 rates, fees, or charges for the purpose of complying with state
1773 and federal landfill closure requirements.
1774 (5)~~(6)~~ The department shall adopt rules to implement this
1775 section.
1776 Section 18. Subsections (1) and (3) of section 403.716,
1777 Florida Statutes, are amended to read:
1778 403.716 Training of operators of solid waste management and
1779 other facilities.--
1780 (1) The department shall establish qualifications for, and
1781 encourage the development of training programs for, operators of
1782 landfills, coordinators of local recycling programs, ~~operators of~~
1783 ~~waste-to-energy facilities, biomedical waste incinerators, and~~
1784 ~~mobile soil thermal treatment units or facilities,~~ and operators
1785 of other solid waste management facilities.
1786 (3) A person may not perform the duties of an operator of a
1787 landfill without first completing~~, or perform the duties of an~~
1788 ~~operator of a waste-to-energy facility, biomedical waste~~
1789 ~~incinerator, or mobile soil thermal treatment unit or facility,~~
1790 ~~unless she or he has completed~~ an operator training course
1791 approved by the department or qualifying ~~she or he has qualified~~
1792 as an interim operator in compliance with requirements
1793 established by the department by rule. An owner of a landfill~~,~~
1794 ~~waste-to-energy facility, biomedical waste incinerator, or mobile~~
1795 ~~soil thermal treatment unit or facility~~ may not employ any person
1796 to perform the duties of an operator unless such person has
1797 completed an approved landfill~~, waste-to-energy facility,~~
1798 ~~biomedical waste incinerator, or mobile soil thermal treatment~~

1799 ~~unit or facility~~ operator training course~~, as appropriate,~~ or ~~has~~
1800 qualified as an interim operator in compliance with requirements
1801 established by the department by rule. The department may
1802 establish by rule operator training requirements for other solid
1803 waste management facilities and facility operators.
1804 Section 19. Section 403.717, Florida Statutes, is amended
1805 to read:
1806 403.717 Waste tire and lead-acid battery requirements.--
1807 (1) For purposes of this section and ss. 403.718 and
1808 403.7185:
1809 (a) "Department" means the Department of Environmental
1810 Protection.
1811 (b) "Motor vehicle" means an automobile, motorcycle, truck,
1812 trailer, semitrailer, truck tractor and semitrailer combination,
1813 or any other vehicle operated in this state, used to transport
1814 persons or property and propelled by power other than muscular
1815 power.~~, but~~ The term does not include traction engines, road
1816 rollers, ~~such~~ vehicles that ~~as~~ run only upon a track, bicycles,
1817 mopeds, or farm tractors and trailers.
1818 (c) "Tire" means a continuous solid or pneumatic rubber
1819 covering encircling the wheel of a motor vehicle.
1820 (d) "Waste tire" means a tire that has been removed from a
1821 motor vehicle and has not been retreaded or regrooved. The term
1822 ~~"Waste tire"~~ includes, but is not limited to, used tires and
1823 processed tires. The term does not include solid rubber tires and
1824 tires that are inseparable from the rim.
1825 (e) "Waste tire collection center" means a site where waste
1826 tires are collected from the public prior to being offered for
1827 recycling and where fewer than 1,500 tires are kept on the site

1828 on any given day.
1829 (f) "Waste tire processing facility" means a site where
1830 equipment is used to treat waste tires mechanically, chemically,
1831 or thermally so that the resulting material is a marketable
1832 product or is suitable for proper disposal ~~recapture reusable~~
1833 ~~byproducts from waste tires or to cut, burn, or otherwise alter~~
1834 ~~waste tires so that they are no longer whole~~. The term includes
1835 mobile waste tire processing equipment.
1836 (g) "Waste tire site" means a site at which 1,500 or more
1837 waste tires are accumulated.
1838 (h) "Lead-acid battery" means a ~~those~~ lead-acid battery
1839 ~~batteries~~ designed for use in motor vehicles, vessels, and
1840 aircraft, and includes such batteries when sold new as a
1841 component part of a motor vehicle, vessel, or aircraft, but not
1842 when sold to recycle components.
1843 (i) "Indoor" means within a structure that ~~which~~ excludes
1844 rain and public access and would control air flows in the event
1845 of a fire.
1846 (j) "Processed tire" means a tire that has been treated
1847 mechanically, chemically, or thermally so that the resulting
1848 material is a marketable product or is suitable for proper
1849 disposal.
1850 (k) "Used tire" means a waste tire which has a minimum
1851 tread depth of 3/32 inch or greater and is suitable for use on a
1852 motor vehicle.
1853 (2) The owner or operator of any waste tire site shall
1854 provide the department with information concerning the site's
1855 location, size, and the approximate number of waste tires that
1856 are accumulated at the site and shall initiate steps to comply

1857 with subsection (3).
1858 (3)(a) A person may not maintain a waste tire site unless
1859 such site is:
1860 1. An integral part of the person's permitted waste tire
1861 processing facility; or
1862 2. Used for the storage of waste tires prior to processing
1863 and is located at a permitted solid waste management facility.
1864 (b) It is unlawful for any person to dispose of waste tires
1865 or processed tires in the state except at a permitted solid waste
1866 management facility. Collection or storage of waste tires at a
1867 permitted waste tire processing facility or waste tire collection
1868 center prior to processing or use does not constitute disposal,
1869 provided that the collection and storage complies with rules
1870 established by the department.
1871 (c) Whole waste tires may not be deposited in a landfill as
1872 a method of ultimate disposal.
1873 (d) A person may not contract with a waste tire collector
1874 for the transportation, disposal, or processing of waste tires
1875 unless the collector is registered with the department or exempt
1876 from requirements provided under this section. Any person who
1877 contracts with a waste tire collector for the transportation of
1878 more than 25 waste tires per month from a single business
1879 location must maintain records for that location and make them
1880 available for review by the department or by law enforcement
1881 officers, which records must contain the date when the tires were
1882 transported, the quantity of tires, the registration number of
1883 the collector, and the name of the driver.
1884 (4) The department shall adopt rules to administer ~~carry~~
1885 ~~out the provisions of~~ this section and s. 403.718. Such rules

1886 ~~shall~~:
1887 (a) Must provide for the administration or revocation of
1888 waste tire processing facility permits, including mobile
1889 processor permits;
1890 (b) Must provide for the administration or revocation of
1891 waste tire collector registrations, the fee ~~fees~~ for which may
1892 not exceed $50 per vehicle registered annually;
1893 (c) Must provide for the administration or revocation of
1894 waste tire collection center permits, the fee for which may not
1895 exceed $250 annually;
1896 (d) Must set standards, including financial assurance
1897 standards, for waste tire processing facilities and associated
1898 waste tire sites, waste tire collection centers, waste tire
1899 collectors, and for the storage of waste tires and processed
1900 tires, including storage indoors;
1901 (e) ~~The department~~ May ~~by rule~~ exempt not-for-hire waste
1902 tire collectors and processing facilities from financial
1903 assurance requirements;
1904 (f) Must authorize the final disposal of waste tires at a
1905 permitted solid waste disposal facility provided the tires have
1906 been cut into sufficiently small parts to assure their proper
1907 disposal; and
1908 (g) Must allow waste tire material that ~~which~~ has been cut
1909 into sufficiently small parts to be used as daily cover material
1910 for a landfill.
1911 ~~(5) A permit is not required for tire storage at:~~
1912 ~~(a) A tire retreading business where fewer than 1,500 waste~~
1913 ~~tires are kept on the business premises;~~
1914 ~~(b) A business that, in the ordinary course of business,~~

1915 ~~removes tires from motor vehicles if fewer than 1,500 of these~~
1916 ~~tires are kept on the business premises; or~~
1917 ~~(c) A retail tire-selling business which is serving as a~~
1918 ~~waste tire collection center if fewer than 1,500 waste tires are~~
1919 ~~kept on the business premises.~~
1920 (5) ~~(6)~~ (a) The department shall encourage the voluntary
1921 establishment of waste tire collection centers at retail tire-
1922 selling businesses, waste tire processing facilities, and solid
1923 waste disposal facilities, to be open to the public for the
1924 deposit of waste tires.
1925 (b) The department may ~~is authorized to~~ establish an
1926 incentives program ~~for individuals~~ to encourage individuals ~~them~~
1927 to return their waste tires to a waste tire collection center.
1928 The incentives ~~used by the department~~ may involve the use of
1929 discount or prize coupons, prize drawings, promotional giveaways,
1930 or other activities the department determines will promote
1931 collection, reuse, volume reduction, and proper disposal of waste
1932 tires.
1933 (c) The department may contract with a promotion company to
1934 administer the incentives program.
1935 Section 20. Section 403.7221, Florida Statutes, is
1936 transferred, renumbered as section 403.70715, Florida Statutes,
1937 and is amended to read:
1938 403.70715 ~~403.7221~~ Research, development, and demonstration
1939 permits.--
1940 (1) The department may issue a research, development, and
1941 demonstration permit to the owner or operator of any solid waste
1942 management facility or hazardous waste management facility who
1943 proposes to utilize an innovative and experimental solid waste

1944 treatment technology or process for which permit standards have
1945 not been promulgated. Permits shall:
1946 (a) Provide for construction and operation of the facility
1947 for not longer than 3 years ~~1 year~~, renewable no more than 3
1948 times.
1949 (b) Provide for the receipt and treatment by the facility
1950 of only those types and quantities of solid waste which the
1951 department deems necessary for purposes of determining the
1952 performance capabilities of the technology or process and the
1953 effects of such technology or process on human health and the
1954 environment.
1955 (c) Include requirements the department deems necessary
1956 which may include monitoring, operation, testing, financial
1957 responsibility, closure, and remedial action.
1958 (2) The department may apply the criteria set forth in this
1959 section in establishing the conditions of each permit without
1960 separate establishment of rules implementing such criteria.
1961 (3) For the purpose of expediting review and issuance of
1962 permits under this section, the department may, consistent with
1963 the protection of human health and the environment, modify or
1964 waive permit application and permit issuance requirements, except
1965 that there shall be no modification or waiver of regulations
1966 regarding financial responsibility or of procedures established
1967 regarding public participation.
1968 (4) The department may order an immediate termination of
1969 all operations at the facility at any time upon a determination
1970 that termination is necessary to protect human health and the
1971 environment.
1972 Section 21. Subsections (1), (2), (3), (4), (5), (6), (7),

1973 (8), and (9) of section 403.722, Florida Statutes, are amended to
1974 read:
1975 403.722 Permits; hazardous waste disposal, storage, and
1976 treatment facilities.--
1977 (1) Each person who intends to or is required to construct,
1978 modify, operate, or close a hazardous waste disposal, storage, or
1979 treatment facility shall obtain a construction permit, operation
1980 permit, postclosure permit, clean closure plan approval, or
1981 corrective action permit from the department prior to
1982 constructing, modifying, operating, or closing the facility. By
1983 rule, the department may provide for the issuance of a single
1984 permit instead of any two or more hazardous waste facility
1985 permits.
1986 (2) Any owner or operator of a hazardous waste facility in
1987 operation on the effective date of the department rule listing
1988 and identifying hazardous wastes shall file an application for a
1989 temporary operation permit within 6 months after the effective
1990 date of such rule. The department, upon receipt of a properly
1991 completed application, shall identify any department rules that
1992 ~~which~~ are being violated by the facility and ~~shall~~ establish a
1993 compliance schedule. However, if the department determines that
1994 an imminent hazard exists, the department may take any necessary
1995 action pursuant to s. 403.726 to abate the hazard. The department
1996 shall issue a temporary operation permit to such facility within
1997 the time constraints of s. 120.60 upon submission of a properly
1998 completed application that ~~which~~ is in conformance with this
1999 subsection. Temporary operation permits for such facilities shall
2000 be issued for up to 3 years only. Upon termination of the
2001 temporary operation permit and upon proper application by the

2002 facility owner or operator, the department shall issue an
2003 operation permit for such existing facilities if the applicant
2004 has corrected all of the deficiencies identified in the temporary
2005 operation permit and is in compliance with all other rules
2006 adopted pursuant to this act.
2007 (3) ~~Permit~~ Applicants shall provide any information that
2008 ~~which~~ will enable the department to determine that the proposed
2009 construction, modification, operation, ~~or~~ closure, or corrective
2010 action will comply with this act and any applicable rules. In no
2011 instance shall any person construct, modify, operate, or close a
2012 facility or perform corrective actions at a facility in
2013 contravention of the standards, requirements, or criteria for a
2014 hazardous waste facility. Authorizations ~~Permits~~ issued under
2015 this section may include any permit conditions necessary to
2016 achieve compliance with applicable hazardous waste rules and
2017 necessary to protect human health and the environment.
2018 (4) The department may require, in an ~~a permit~~ application,
2019 submission of information concerning matters specified in s.
2020 403.721(6) as well as information respecting:
2021 (a) Estimates of the composition, quantity, and
2022 concentration of any hazardous waste identified or listed under
2023 this act or combinations of any such waste and any other solid
2024 waste, proposed to be disposed of, treated, transported, or
2025 stored and the time, frequency, or rate at which such waste is
2026 proposed to be disposed of, treated, transported, or stored; and
2027 (b) The site to which such hazardous waste or the products
2028 of treatment of such hazardous waste will be transported and at
2029 which it will be disposed of, treated, or stored.
2030 (5) An authorization ~~A permit~~ issued pursuant to this

2031 section is not a vested right. The department may revoke or
2032 modify any such authorization ~~permit~~.
2033 (a) Authorizations ~~Permits~~ may be revoked for failure of
2034 the holder to comply with ~~the provisions of~~ this act, the terms
2035 of the authorization ~~permit~~, the standards, requirements, or
2036 criteria adopted pursuant to this act, or an order of the
2037 department; for refusal by the holder to allow lawful inspection;
2038 for submission by the holder of false or inaccurate information
2039 in the permit application; or if necessary to protect the public
2040 health or the environment.
2041 (b) Authorizations ~~Permits~~ may be modified, upon request of
2042 the holder ~~permittee~~, if such modification is not in violation of
2043 this act or department rules or if the department finds the
2044 modification necessary to enable the facility to remain in
2045 compliance with this act and department rules.
2046 (c) An owner or operator of a hazardous waste facility in
2047 existence on the effective date of a department rule changing an
2048 exemption or listing and identifying the hazardous wastes that
2049 ~~which~~ require that facility to be permitted who notifies the
2050 department pursuant to s. 403.72, and who has applied for a
2051 permit pursuant to subsection (2), may continue to operate until
2052 ~~be~~ issued a temporary operation permit. If such owner or operator
2053 intends to or is required to discontinue operation, the temporary
2054 operation permit must include final closure conditions.
2055 (6) A hazardous waste facility permit issued pursuant to
2056 this section shall satisfy the permit requirements of s.
2057 403.707(1). The permit exemptions provided in s. 403.707(2) do
2058 ~~shall~~ not apply to hazardous waste.
2059 (7) The department may establish ~~permit~~ application

2060 procedures for hazardous waste facilities, which procedures may
2061 vary based on differences in amounts, types, and concentrations
2062 of hazardous waste and on differences in the size and location of
2063 facilities and which procedures may take into account permitting
2064 procedures of other laws not in conflict with this act.
2065 (8) For authorizations ~~permits~~ required by this section,
2066 the department may require that a fee be paid and may establish,
2067 by rule, a fee schedule based on the degree of hazard and the
2068 amount and type of hazardous waste disposed of, stored, or
2069 treated at the facility.
2070 (9) It shall not be a requirement for the issuance of ~~such~~
2071 a hazardous waste authorization ~~permit~~ that the facility complies
2072 with an adopted local government comprehensive plan, local land
2073 use ordinances, zoning ordinances or regulations, or other local
2074 ordinances. However, the issuance of such an authorization ~~a~~
2075 ~~permit issued~~ by the department does ~~shall~~ not override any
2076 ~~adopted~~ local plan, ordinance, or regulation ~~government~~
2077 ~~comprehensive plans, local land use ordinances, zoning ordinances~~
2078 ~~or regulations, or other local ordinances~~.
2079 Section 22. Subsection (2) of section 403.7226, Florida
2080 Statutes, is amended to read:
2081 403.7226 Technical assistance by the department.--The
2082 department shall:
2083 (2) Identify short-term needs and long-term needs for
2084 hazardous waste management for the state on the basis of the
2085 information gathered through the local hazardous waste management
2086 assessments and other information from state and federal
2087 regulatory agencies and sources. The state needs assessment must
2088 be ongoing and must be updated when new data concerning waste

2089 generation and waste management technologies become available.
2090 ~~The department shall annually send a copy of this assessment to~~
2091 ~~the Governor and to the Legislature.~~
2092 Section 23. Subsection (3) of section 403.724, Florida
2093 Statutes, is amended to read:
2094 403.724 Financial responsibility.--
2095 (3) The amount of financial responsibility required shall
2096 be approved by the department upon each issuance, renewal, or
2097 modification of a hazardous waste facility authorization ~~permit~~.
2098 Such factors as inflation rates and changes in operation may be
2099 considered when approving financial responsibility for the
2100 duration of the authorization ~~permit~~. The Office of Insurance
2101 Regulation of the Department of Financial Services ~~Commission~~
2102 shall be available to assist the department in making this
2103 determination. In approving or modifying the amount of financial
2104 responsibility, the department shall consider:
2105 (a) The amount and type of hazardous waste involved;
2106 (b) The probable damage to human health and the
2107 environment;
2108 (c) The danger and probable damage to private and public
2109 property near the facility;
2110 (d) The probable time that the hazardous waste and facility
2111 involved will endanger the public health, safety, and welfare or
2112 the environment; and
2113 (e) The probable costs of properly closing the facility and
2114 performing corrective action.
2115 Section 24. Section 403.7255, Florida Statutes, is amended
2116 to read:
2117 403.7255 Placement of signs ~~Department to adopt rules~~.--

2118 (1) ~~The department shall adopt rules which establish~~
2119 ~~requirements and procedures for the placement of~~ Signs must be
2120 placed by the owner or operator at ~~sites which may have been~~
2121 ~~contaminated by hazardous wastes. Sites shall include~~ any site in
2122 the state which ~~that~~ is listed or proposed for listing on the
2123 Superfund Site List of the United States Environmental Protection
2124 Agency or any site identified by the department as a ~~suspected or~~
2125 ~~confirmed contaminated~~ site contaminated by hazardous waste where
2126 there is ~~may be~~ a risk of exposure to the public. ~~The~~
2127 ~~requirements of~~ This section does ~~shall~~ not apply to sites
2128 reported under ss. 376.3071 and 376.3072. The department shall
2129 establish requirements and procedures for the placement of signs,
2130 and may do so in rules, permits, orders, or other authorizations.
2131 The authorization ~~rules~~ shall establish the appropriate size for
2132 such signs, which size shall be no smaller than 2 feet by 2 feet,
2133 and shall provide in clearly legible print appropriate warning
2134 language for the waste or other materials at the site and a
2135 telephone number that ~~which~~ may be called for further
2136 information.
2137 (2) Violations of this act are punishable as provided in s.
2138 403.161(4).
2139 (3) The provisions of this act are independent of and
2140 cumulative to any other requirements and remedies in this chapter
2141 or chapter 376, or any rules promulgated thereunder.
2142 Section 25. Subsection (5) of section 403.726, Florida
2143 Statutes, is amended to read:
2144 403.726 Abatement of imminent hazard caused by hazardous
2145 substance.--
2146 (5) The department may issue a permit or order requiring

2147 prompt abatement of an imminent hazard.
2148 Section 26. Section 403.7265, Florida Statutes, is amended
2149 to read:
2150 403.7265 Local hazardous waste collection program.--
2151 (1) The Legislature recognizes the need for local
2152 governments to establish local hazardous waste management
2153 programs and local collection centers throughout the state. Local
2154 hazardous waste management programs are to educate and assist
2155 small businesses and households in properly managing the
2156 hazardous waste they generate. Local collection centers are to
2157 serve a purpose similar to the collection locations used in the
2158 amnesty days program described in s. 403.7264. Such collection
2159 centers are to be operated to provide a service to homeowners,
2160 farmers, and conditionally exempt small quantity generators to
2161 encourage proper hazardous waste management. Local collection
2162 centers will allow local governments the opportunity to provide a
2163 location for collection and temporary storage of small quantities
2164 of hazardous waste. A private hazardous waste management company
2165 should be responsible for collecting the waste within 90 days for
2166 transfer to a permitted recycling, disposal, or treatment
2167 facility. In time, local collection centers are to become
2168 privately operated businesses in order to reduce the burden of
2169 hazardous waste collection on local government.
2170 ~~(2) The department shall develop a statewide local~~
2171 ~~hazardous waste management plan which will ensure comprehensive~~
2172 ~~collection and proper management of hazardous waste from small~~
2173 ~~quantity generators and household hazardous waste in Florida. The~~
2174 ~~plan shall address, at a minimum, a network of local collection~~
2175 ~~centers, transfer stations, and expanded hazardous waste~~

2176 ~~collection route services. The plan shall assess the need for~~
2177 ~~additional compliance verification inspections, enforcement, and~~
2178 ~~penalties. The plan shall include a strategy, timetable, and~~
2179 ~~budget for implementation.~~
2180 (2) ~~(3)~~ For the purposes of this section, the phrase:
2181 (a) "Collection center" means a secured site approved by
2182 the department to be used as a base for a hazardous waste
2183 collection facility.
2184 (b) "Regional collection center" means a facility permitted
2185 by the department for the storage of hazardous wastes.
2186 (3) ~~(4)~~ The department shall establish a grant program for
2187 local governments that ~~which~~ desire to provide a local or
2188 regional hazardous waste collection center. Grants shall be
2189 authorized to cover collection center costs associated with
2190 capital outlay for preparing a facility or site to safely serve
2191 as a collection center and to cover costs of administration,
2192 public awareness, and local amnesty days programs. The total cost
2193 for administration and public awareness may ~~shall~~ not exceed 10
2194 percent of the grant award. Grants shall be available on a
2195 competitive basis to local governments which:
2196 (a) Comply with ~~the provisions of~~ ss. 403.7225 and
2197 403.7264;
2198 (b) Design a collection center which is approved by the
2199 department; and
2200 (c) Provide up to 33 percent of the capital outlay money
2201 needed for the facility as matching money.
2202 (4) ~~(5)~~ The maximum amount of a grant for any local
2203 government participating in the development of a collection
2204 center is ~~shall be~~ $100,000. If a regional collection facility is

2205 designed, each participating county is ~~shall be~~ eligible for up
2206 to $100,000. The department may ~~is authorized to~~ use up to 1
2207 percent of the funds appropriated for the local hazardous waste
2208 collection center grant program for administrative costs and
2209 public education relating to proper hazardous waste management.
2210 (5) ~~(6)~~ The department shall establish a cooperative
2211 collection center arrangement grant program enabling a local
2212 hazardous waste collection center grantee to receive a financial
2213 incentive for hosting an amnesty days program in a neighboring
2214 county that is currently unable to establish a permanent
2215 collection center, but desires a local hazardous waste
2216 collection. The grant may reimburse up to 75 percent of the
2217 neighboring county's amnesty days. Grants shall be available, on
2218 a competitive basis, to local governments that ~~which~~:
2219 (a) Have established operational hazardous waste collection
2220 centers and are willing to assume a host role, similar to that of
2221 the state in the amnesty days program described in s. 403.7264,
2222 in organizing a local hazardous waste collection in the
2223 neighboring county.
2224 (b) Enter into, and jointly submit, an interlocal agreement
2225 outlining department-established duties for both the host local
2226 government and neighboring county.
2227 (6) ~~(7)~~ The maximum amount for the cooperative collection
2228 center arrangement grant is $35,000, with a maximum amnesty days
2229 reimbursement of $25,000, and a limit of $10,000 for the host
2230 local government. The host local government may receive up to
2231 $10,000 per cooperative collection center arrangement in addition
2232 to its maximum local hazardous waste collection center grant.
2233 (7) ~~(8)~~ The department may ~~has the authority to~~ establish an

2234 additional local project grant program enabling a local hazardous
2235 waste collection center grantee to receive funding for unique
2236 projects that improve the collection and lower the incidence of
2237 improper management of conditionally exempt or household
2238 hazardous waste. Eligible local governments may receive up to
2239 $50,000 in grant funds for these unique and innovative projects,
2240 provided they match 25 percent of the grant amount. If the
2241 department finds that the project has statewide applicability and
2242 immediate benefits to other local hazardous waste collection
2243 programs in the state, matching funds are not required. This
2244 grant will not count toward the $100,000 maximum grant amount for
2245 development of a collection center.
2246 (8) ~~(9)~~ The department may ~~has the authority to~~ use grant
2247 funds authorized under this section to assist local governments
2248 in carrying out the responsibilities and programs specified in
2249 ss. 403.7225, 403.7226, 403.7234, 403.7236, and 403.7238.
2250 Section 27. Sections 403.7075, 403.756, and 403.7895,
2251 Florida Statutes, are repealed.
2252 Section 28. Sections 403.78, 403.781, 403.782, 403.783,
2253 403.784, 403.7841, 403.7842, 403.785, 403.786, 403.787, 403.7871,
2254 403.7872, 403.7873, 403.788, 403.7881, 403.789, 403.7891,
2255 403.7892, and 403.7893, Florida Statutes, are repealed.
2256 Section 29. This act shall take effect July 1, 2007.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ENRC 07-05 Florida Climate Action Partnership
SPONSOR(S): Environment & Natural Resources Council
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Environment & Natural Resources Council			
Committee on Environmental Protection		Kliner	Kliner
1			
2			
3			
4			

SUMMARY ANALYSIS

This bill establishes a commission that will host a series of meetings to develop recommendations for how the state addresses the topic of global warming. The commission will invite interested parties from local government, business, environmental groups and academia to participate in discussions relating to the mitigation of greenhouse gases, alternative energy technologies, and other market-based opportunities to address carbon reduction. The Commission will deliver a report of policy recommendations to the Florida Legislature on or before February 1, 2008, and will deliver a final report to the Florida Legislature no later than October 1, 2008. The bill provides that staffing shall be provided by the Executive Office of the Governor.

Fiscal: The bill provides for an appropriation in an unspecified amount from the General Revenue Trust Fund the Executive Office of the Governor.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Limited Government: The bill increases staffing and/or duties of present staff of the Executive Office of the Governor to provide administrative and support services for the Partnership.

B. EFFECT OF PROPOSED CHANGES:

Background

Climate Change

According to United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), U.S. and global annual temperatures are now approximately 1.0 degrees Fahrenheit warmer than at the start of the 20th century, and the rate of warming has accelerated over the past 30 years, increasing globally since the mid-1970s at a rate approximately three times faster than the century-scale trend. The past nine years have all been among the 25 warmest years on record for the contiguous U.S., a streak which is unprecedented in the historical record.

In a report issued in February, 2007, the Intergovernmental Panel on Climate Change (IPCC) issued a 21-page report for policymakers, in which the group of climate experts unanimously linked -- with "90 percent" certainty -- the increase of average global temperatures since the mid-20th century to the increase of manmade greenhouse gases in the atmosphere.

Fossil fuels like methane and carbon dioxide trap heat near the surface, a process known as the greenhouse effect. The greenhouse effect is a natural phenomenon, however, human activities, like the burning of fossil fuels, can pour enormous volumes of these gases into the atmosphere, raising the planet's temperature and destabilizing the climate. The report found it was "likely" -- "more likely than not" in some cases -- that manmade greenhouse gases have contributed to hotter days and nights, more heat waves, heavier rainfall more often, major droughts in more regions, stronger and more frequent cyclones and "increased incidence" of extremely high sea levels.

According to a briefing paper which is part of a series entitled *Climate Change 101: Understanding and Responding to Global Climate Change* (published by the Pew Center on Global Climate Change[1] and the Pew Center on the States[2]), 28 U.S. states have adopted climate action plans detailing the steps their states can take to reduce their contributions to climate change. In addition, 12 states have statewide emission targets.

Emission Targets

California and New Mexico are among the states that have adopted proactive and far-reaching targets to reduce their emissions:

- In a 2005 executive order, California Governor Arnold Schwarzenegger committed his state to greenhouse gas reduction targets equivalent to reaching 2000 emissions levels by 2010 and 1990 levels by 2020. By 2050, emissions would be 80 percent below current levels. In 2006, the California legislature made the 2020 target enforceable under state law.

[1] The Pew Center on Global Climate Change is a non-profit, nonpartisan, independent organization dedicated to providing credible information, straight answers, and innovative solutions in the effort to address global climate change. www.pewclimate.org

[2] The Pew Center on the States, a division of the Pew Charitable Trusts, identifies critical issues facing states, examines diverse policy approaches, and shines a spotlight on nonpartisan, pragmatic solutions. www.pewcenteronthestates.org

- An executive order signed in 2005 by Governor Bill Richardson of New Mexico commits that state to reduce emissions to 2000 levels by 2012, 10 percent below 2000 levels by 2020, and 75 percent below 2000 levels by 2050. New Mexico is the first major coal, oil and gas-producing state to set targets for cutting its emissions.

For both states, these targets supplement existing climate friendly policies, including renewable portfolio standards, renewable energy tax credits, and energy efficiency goals.

Florida does not currently have a state action plan for reducing carbon emissions. However, the 2006 Legislature passed Ch. 2006-230, Laws of Florida, which created the Florida Energy Commission and charged it with developing recommendations for legislation on a state energy policy. The Florida Energy Commission held its first meeting on February 9, 2007. The law also directed the Florida Energy Commission to file an initial report by December 31, 2007, that

- identifies incentives for research, development, or deployment projects; makes policy recommendations for conservation of all forms of energy; and provides a plan of action and a timetable for addressing additional issues;
- recommends consensus-based, public-involvement processes that evaluate greenhouse gas emissions in this state and make recommendations regarding related economic, energy, and environmental benefits; and
- includes recommended steps and a schedule for the development of a comprehensive state climate action plan with greenhouse gas reduction through a public-involvement process, including transportation and land use; power generation; residential, commercial, and industrial activities; waste management; agriculture and forestry; emissions-reporting systems; and public education.[3]

Climate Action Plans.

The process of developing a climate action plan can help state decision-makers identify cost effective opportunities to reduce greenhouse gas emissions in ways that are most appropriate for their states. According to Pew, North Carolina is the first state to begin the process of developing a climate action plan. The state's Legislative Commission on Global Climate Change was created to address the threats posed to North Carolina by global warming, determine the costs and benefits of various strategies for addressing the problem, and assess the potential economic opportunities for North Carolina in emerging markets for carbon trading. According to Pew, many other states are initiating or revising climate plans, including Alaska, Arizona, Montana, New Mexico, Pennsylvania, Utah, and Florida.

Regional Initiatives.

The Northeast Regional Greenhouse Gas Initiative (RGGI).

In December 2005, the governors of seven Northeastern and Mid-Atlantic states agreed to a "cap-and-trade" system aimed at reducing carbon dioxide emissions from power plants in the region. Such a system requires emissions reductions while allowing companies to trade emission allowances so they can achieve their reductions as cost-effectively as possible. RGGI offers added flexibility for companies by providing credits for emissions reductions achieved outside the electricity sector. RGGI sets the stage for other states to join the effort or to form their own regional cap-and-trade systems. In addition, the program could be expanded to cover other greenhouse gases and other sectors. The seven RGGI states—along with Pennsylvania, Massachusetts and Rhode Island—also are developing a greenhouse gas registry, and the Eastern Climate Registry, to allow companies and states to register and record their emissions and the reductions they achieve. Reliable registries are important to implementing effective climate change policies.

[3] Memorandum dated February 28, 2007, from the Office of Program Policy Analysis and Government Accountability to the Florida Legislature.

The Lake Michigan Air Directors Consortium (LADCO) is developing a registry for a group of Midwestern states.

Western Governors' Association.

The Clean and Diversified Energy Initiative launched by the Western Governors' Association (WGA) has developed and recommended a set of strategies to increase energy efficiency, expand the use of renewable energy sources in the region, and to provide incentives for carbon capture and sequestration. Additionally, the WGA and the California Energy Commission are creating the Western Renewable Energy Generation Information System (WREGIS). This voluntary system is designed to provide data about renewable energy generation across 11 western states in order to support trading in renewable energy credits, as well as other state and regional policies aimed at expanding the use of renewable power.

Southwest Climate Change Initiative.

The governors of Arizona and New Mexico signed an agreement in February 2006 to create the Southwest Climate Change Initiative. Under the agreement, the two states will collaborate to reduce greenhouse gas emissions and address the impacts of climate change in the Southwest.

West Coast Governors' Global Warming Initiative.

The West Coast states—Washington, Oregon and California—are cooperating on their own strategy to reduce emissions. Among the governors' plans: adopting comprehensive state and regional goals for reducing emissions; and expanding markets for renewable energy, energy efficiency, and alternative fuels.

New England Governors and Eastern Canadian Premiers.

In 2001, six New England states agreed to the New England Governors and Eastern Canadian Premiers (NEG-ECP) climate action plan, which includes short- and long-term goals for reducing greenhouse gas emissions in the region.

Powering the Plains.

Launched in 2002, Powering the Plains is a regional effort involving participants from the Dakotas, Minnesota, Iowa, Wisconsin and the Canadian Province of Manitoba. This initiative aims to develop strategies, policies and demonstration projects for alternative energy sources including coal gasification, hydrogen, and biomass.

Low carbon electricity
With the generation of electricity accounting for 30 percent of all U.S. greenhouse gas emissions (and 38 percent of carbon dioxide emissions), states can therefore play a crucial role in reducing the power sector's climate impacts and promoting low-carbon energy solutions. State actions to promote low-carbon electricity include incentives and mandates for renewable energy and energy efficiency, as well as limits on power plant greenhouse gas emissions.

United States Climate Action Partnership
In an effort to address global warming as it is exacerbated specifically by carbon emissions, and to utilize a market-based system to reduce the "carbon footprint" of individuals and businesses, the United States Climate Action Partnership (USCAP) formed an alliance in 2006 of major businesses and leading climate and environmental groups to call on the federal government to enact legislation requiring significant reductions of greenhouse gas emissions.

The group produced a set of principles and recommendations to guide the formulation of a regulated economy-wide, market-driven approach to climate protection. This unique alliance includes a number of major corporations: Alcoa, BP America, Caterpillar Inc., Duke Energy, DuPont, FPL Group, General Electric, Lehman Brothers, PG&E Corporation and PNM Resources; and four non-governmental organizations including: Environmental Defense, Natural Resources Defense Council, Pew Center on Global Climate Change and World Resources Institute.

Effect of Proposed Changes

The bill establishes a Commission entitled the Florida Climate Action Partnership (FCAP). The FCAP shall be composed of twenty-two members:

- Eight members appointed by the governor, one of whom shall be appointed to serve as Chair;
- The Commissioner of Agriculture and Consumer Services, or designee;
- The Chief Financial Office, or designee;
- Five Senate members appointed by the President of the Florida Senate;
- Five House members appointed by the Speaker of the House of Representatives;
- Two additional members appointed by the Commissioner of Agricultural and Consumer Services.

The mission of the FCAP is generally described in the bill as:

- Addressing climate change, including the mitigation of greenhouse gas emissions;
- Identifying a range of opportunities to reduce emissions and create offsets for energy savings in all sectors of Florida's economy;
- Seeking partners in all sectors of Florida's economy, academia and government at all levels to be part of this effort;
- Identifying incentives for technology innovation; and
- Seeking private sector solutions and market based mechanisms to help resolve these problems.

The FCAP is directed to seek partners in all sectors of Florida's economy, conservation community, academia, and government at all levels, and to identify a range of opportunities to reduce emissions and create offsets for energy savings in all sectors of Florida's economy. Those sectors would include, without limitation, the following: residential users, commercial users, industry and manufacturing, the tourism and hospitality industries, agriculture, the transportation industry, the construction industry, marine industries, ports and the shipping industry and others.

The FCAP and its partners shall develop principles and recommendations to guide the formulation of a regulated economy-wide, market-driven approach to climate protection for all economic sectors of the state as well as short-term and long-term greenhouse gas reductions goals. Over the course of the public meetings the FCAP and its partners shall consider and address the following list of topics:

- Policy recommendations for clean energy supplies and power generation technologies;
- Policy recommendations for energy efficiency;
- Policy recommendations for energy supply, energy efficiency and conservation for the state, building design, and community planning;
- Policy recommendations for waste management, recovery and recycling;
- Policy recommendations for agriculture, forestry, waste management and industrial users;
- Policy recommendations for the management of, and alternatives to, high global warming potential refrigerants and the identification and sequestration of high global warming potential gases in industrial processes;
- Policy recommendations which anticipate a time when the United States government or the State of Florida may choose to limit by law the amount of carbon emitted into the atmosphere in order to reduce the build up of greenhouse gases which produce climate change;
- Policy recommendations for the use of market mechanisms including a cap and trade system and other means to reduce the build up of greenhouse gases, and

- Policy recommendations to respond to climate change that have a positive effect on the price and availability of property and casualty insurance.

C. SECTION DIRECTORY:

The bill provides a series of introductory clauses that recognize the following: climate changes affect Florida generally, as well as specifically, given its geographic location, past and current land uses, its population and its economy; recent state governmental actions to address energy policies; recent federal actions in the executive and legislative branches regarding climate change; and, a procedure to encourage innovations and incentives to reduce carbon usage through a market-based, stakeholder process.

Section 1 establishes the Florida Climate Action Partnership (FCAP) and defines a broad mission statement, and further establishes membership of the FCAP composed of twenty-two members. Members shall serve without compensation, except that members are entitled to per diem and travel expenses, pursuant to s. 112.061, F.S., incurred in the performance of their duties.

This section provides that the FCAP shall hold a minimum of four public meetings during the year 2007 and in 2008, in locations within the state to be determined by the Chairman for the purpose of taking public testimony and seeking input from affected parties. FCAP shall consider an enumerated list of topics in order to build a comprehensive, stakeholder driven climate action plan.

FCAP shall produce a list of policy recommendations in a report to be filed no later than February 1, 2008, to the President of the Florida Senate and the Speaker of the Florida House of Representatives for the consideration of the Florida Legislature during the 2008 Regular Session. A Final Report shall be delivered on or before October 1, 2008. The Executive Office of the Governor may employ, by contract, staff necessary to assist the partnership in performing its duties.

Section 2 provides for an appropriation from the General Revenue Fund for FY 2007-2008, in an unspecified amount and to the Executive Office of the Governor for the purpose of funding the activities of the partnership.

Section 3 provides that the bill shall become effective upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   The bill provides for staffing for the Partnership through the Executive Office of the Governor and provides for an appropriation from General Revenue to fund the staffing requirement but does not yet specify an amount.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

No immediate impact. Long term economic impacts, if any, are contingent upon the recommendations provided in the Partnership's report to the Legislature and actions, if any, by the Legislature.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

None provided.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

N/A

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

N/A

1 A bill to be entitled
2 An act relating to the Florida Climate Action Partnership;
3 creating the Florida Climate Action Partnership; providing
4 purposes and duties; directing the partnership to develop
5 principles and recommendations to guide the formulation of
6 a regulated economy-wide and market-driven approach to
7 climate protection; providing criteria for such principles
8 and recommendations; providing for partnership membership;
9 providing for terms of members; providing for vacancy
10 appointment; providing for per diem and travel expenses;
11 providing for meetings; providing for the employment of
12 staff to assist the partnership; requiring that reports be
13 submitted to the Legislature by certain dates; specifying
14 criteria for such reports; providing an appropriation;
15 providing an effective date.
16
17 WHEREAS, the potential effects of global climate change in
18 Florida and the Southeastern United States, such as more frequent
19 and severe storm events and flooding, sea level rise, water
20 supply disruption, agricultural crop yield changes and forest
21 productivity shifts, water and air quality degradation, and
22 threats to coastal areas, tourism, and infrastructure, could
23 significantly impact the state's economy, level of public
24 expenditures, and quality of life, and
25 WHEREAS, carbon dioxide produced by the burning of fossil
26 fuels is a leading contributor to global warming and is the
27 leading global warming pollutant released in the United States,
28 and Florida is particularly vulnerable to rising sea levels, more
29 intense hurricanes, possible drought conditions, and the spread

30 of infectious diseases exacerbated by global warming, and
31 WHEREAS, the Century Commission for a Sustainable Florida
32 released its first annual report to the Governor and the
33 Legislature and prominently stated, "There may be no more
34 pressing issue in our state than the impact of our country's
35 current level of use of fossil fuels on the state and global
36 environment. The relationship between our energy sources and our
37 security, economy and environment demand a bold vision. Of all
38 the states, Florida has the most at stake--and must take a
39 leadership role," and
40 WHEREAS, the Legislature adopted a number of clean energy
41 initiatives in 2006, including Senate Bill 888, which established
42 the Florida Energy Commission for the purposes of encouraging
43 energy conservation and efficiency, developing renewable energy
44 sources, and recommending a state climate action plan, and
45 WHEREAS, actions that make homes and workplaces more energy
46 efficient enhance energy security and affordability, may reduce
47 emissions of greenhouse gases, spur greater resource productivity
48 and business innovation, provide cost savings, improve air
49 quality and public health, and enhance economic development, job
50 creation, and quality of life, and
51 WHEREAS, the President of the United States has called for a
52 reduction in the use of fossil fuels and has asked the United
53 States Congress to enact a mandatory fuel reduction and renewable
54 fuel use expansion requirement, and
55 WHEREAS, legislation has been filed in the United States
56 Congress that seeks to address the issue of climate change and
57 global warming through a series of initiatives and changes to the
58 laws of the United States, including a limit on the amount of

59 greenhouse gases emitted into the atmosphere, and
60 WHEREAS, the state is almost totally dependent on energy
61 imports from out of state to satisfy its energy needs, and
62 WHEREAS, as a major agricultural producer, the state is
63 capable of producing large quantities of biofuels in order to
64 help meet the President's goal of replacing fossil fuels with
65 ethanol-based alternative fuels but currently lacks the
66 infrastructure to convert to that system, and
67 WHEREAS, the state seeks to develop market-based and other
68 economically sound emissions reductions approaches, such as a
69 cap-and-trade system, that create private-sector opportunities
70 and incentives, and
71 WHEREAS, a deliberative stakeholder process to address
72 solutions to climate change risks may enable the state to have
73 greater influence in eventual climate change policy
74 determinations at the regional and national level and ensure that
75 businesses in the state are in the best position to benefit from
76 possible future federal climate change policy actions, NOW,
77 THEREFORE,
78
79 Be It Enacted by the Legislature of the State of Florida:
80
81 Section 1. Florida Climate Action Partnership.--
82 (1) There is created the Florida Climate Action
83 Partnership. The purpose of the partnership is to address climate
84 change mitigation and serve as a catalyst for a cooperative
85 dialogue with affected parties within the state regarding such
86 issues. The partnership shall seek partners in Florida's
87 communities, businesses, academic institutions, and governments

88 to participate in this effort. The partnership shall identify a
89 range of opportunities, including a cap-and-trade system, to
90 reduce emissions and increase energy savings in all sectors of
91 the state's economy, including, but not limited to, energy
92 supplies for heat and power; residential, commercial, and
93 industrial energy use and processes; transportation and land use;
94 waste management; agriculture; and forestry. As part of this
95 process, the partnership shall seek to identify and create
96 incentives for technology innovation and economic opportunity and
97 advantage for the state's economy in an effort to find new
98 sources of energy and shall seek private-sector solutions and
99 market mechanisms to mitigate the problems associated with
100 climate change.
101 (2) The partnership shall develop principles and
102 recommendations to guide the formulation of a regulated economy-
103 wide, market-driven approach to climate protection for all
104 economic sectors within the state as well as short-term and long-
105 term greenhouse gas reduction goals. The principles and
106 recommendations shall be developed through a fact-based and
107 consensus-based stakeholder process. The partnership shall
108 consider the results of a statewide inventory and forecast of
109 energy use and greenhouse gas emissions for each sector in
110 developing its recommendations, which shall include principles
111 and recommendations for:
112 (a) Clean, low-emission, and renewable energy supplies,
113 including advanced energy and power-generation technologies.
114 (b) Energy efficiency and conservation for buildings,
115 equipment, appliances, and other building design elements.
116 (c) Increased energy efficiency in transportation systems

117 and land use within the growth management system that decreases
118 travel and energy use.
119 (d) Agriculture and forestry conservation that promotes
120 carbon sequestration and bioenergy.
121 (e) Waste management, waste energy recovery, and waste
122 energy recycling.
123 (f) The management of high-global-warming-potential
124 refrigerants and alternatives to such refrigerants and the
125 identification and sequestration of high-global-warming-potential
126 gases in industrial processes.
127 (g) Limiting the amount of carbon emitted into the
128 atmosphere in order to reduce the buildup of greenhouse gases
129 that produce climate change.
130 (h) The use of market mechanisms, including a cap-and-trade
131 system, and other means to reduce the buildup of greenhouse
132 gases.
133 (i) Responding to climate change in ways that positively
134 affect the price and availability of property and casualty
135 insurance.
136 (3)(a) The Florida Climate Action Partnership shall be
137 composed of 22 members as follows:
138 1. The Commissioner of Agriculture or his or her designee.
139 2. The Chief Financial Officer or his or her designee.
140 3. Eight members appointed by the Governor, one of whom
141 shall serve as chair.
142 4. Five members appointed by the President of the Senate.
143 5. Five members appointed by the Speaker of the House of
144 Representatives.
145 6. Two members appointed by the Commissioner of

146 Agriculture.
147 (b) Members appointed to the partnership must hold
148 positions of leadership within their respective fields.
149 (c) Members shall serve until the partnership has submitted
150 it final report. A vacancy shall be filled in the same manner as
151 the original appointment.
152 (d) Members of the partnership shall serve without
153 compensation but are entitled to receive reimbursement for per
154 diem and travel expenses as provided in s. 112.061, Florida
155 Statutes.
156 (4)(a) The partnership shall hold a minimum of four public
157 meetings in the 2007-2008 fiscal year for the purpose of taking
158 public testimony and seeking input from affected parties at
159 locations throughout the state as determined by the chair.
160 (b) The Executive Office of the Governor may employ, by
161 contract, staff necessary to assist the partnership in performing
162 its duties.
163 (5) By February 1, 2008, the partnership shall submit a
164 report of its preliminary findings and policy recommendations to
165 the members of the Senate and the House of Representatives for
166 consideration during the 2008 Regular Session. The partnership
167 shall submit a final report containing its principles and
168 recommendations to guide the formulation of a regulated economy-
169 wide and market-driven approach to climate protection to the
170 members of the Senate and the House of Representatives by October
171 1, 2008.
172 Section 2. For the 2007-2008 fiscal year, the sum of $
173 is appropriated from the General Revenue Fund to the Executive
174 Office of the Governor for the purpose of funding the activities

175 of the Florida Climate Action Partnership.

176 Section 3. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ENRC 07-04 Environmental Gold Star Recognition
SPONSOR(S): Environment & Natural Resources Council
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Environment & Natural Resources Council			
Committee on Environmental Protection		Valenstein	Kliner
1)			
2)			
3)			
4)			

SUMMARY ANALYSIS

PCB ENRC 07-04 creates the Florida Gold Star Permitting Act. Under current law, the Florida Department of Environmental Protection (DEP) has no comprehensive program to reward those in the regulated community who consistently meet or better their permit requirements. Moreover, the Department does not consistently consider applicants' past violations when reviewing requests for new permits. The bill establishes a comprehensive permitting program to provide incentives for permit renewals that meet specified criteria and provides the DEP with clear statutory authority to consider the compliance history of an applicant when deciding whether to deny a new permit, issue a new permit, or issue a conditional permit. In addition, the bill provides the DEP with rulemaking authority to implement the program. The bill is not expected to have a significant fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote Personal Responsibility – The permitting system established by the bill provides incentives to regulated entities meeting or bettering the requirements of certain permits and provides the Department with statutory authority to deny new permits or issue conditional permits when an applicant has a history of non-compliance.

B. PRESENT SITUATION AND EFFECT OF PROPOSED CHANGES:

Present Situation – Florida

Currently, the DEP has no comprehensive program to reward those in the regulated community who consistently meet or better their permit requirements. Moreover, the Department does not consistently consider applicants' past violations when reviewing requests for new permits.

Pursuant to s. 403.087(2), F.S., the DEP has adopted rules describing the various requirements that must be met by permit applicants. These may include provisions such as equipment requirements, operating and maintenance requirements, and limitations on emissions or discharges from the permitted facility. In addition to listed permit requirements, pursuant to Rule 62-4.070(5), Florida Administrative Code (FAC), the DEP must consider environmental violations of the applicant, at any location in the state, when determining whether the applicant has provided the necessary "reasonable assurance" that it will be able to meet the permit requirements. However, the rule does not specify exactly which violations may be considered, leading to inconsistent application throughout the Department's permitting programs.

Within certain individual program areas of the Department, additional rules or statutes narrow the scope of Rule 62-620.320, F.A.C. For example, s. 403.707(8), F.S., authorizes the DEP to deny a permit application for a solid waste management facility if an applicant has repeatedly violated statutes, rules, orders, or permit terms or conditions relating to any solid waste management facility and is deemed to be irresponsible, as defined by Rule 62-701.320(3)(b), F.A.C. For wastewater facilities the DEP considers violations of rules related to wastewater facilities or activities when it makes the "reasonable assurance" determination[1], and for environmental resource permitting (ERP) the DEP considers specifically ERP rule and permit violations.[2] Similar to Rule 62-620.320, F.A.C., none of these programmatic rules or statutes provide guidance as to what type of violations should be considered or how far back into an applicant's history the Department should review.

In addition, the Department currently has statutory authority to adopt alternative permitting programs on a pilot project basis. Section 403.0611, F.S., directs the DEP to explore alternative methods of regulatory permitting, aimed at reducing transaction costs and providing economic incentives for reducing pollution. To date the DEP has not implemented a pilot program under this section.

Present Situation – Federal

In June of 2000, the federal Environmental Protection Agency established the National Environmental Performance Track (NEPT) program. The goal of the program is to encourage performance above and beyond legal requirements that results in measurable benefits to the environment[3]. Admittance to the program requires a record of sustained compliance with environmental laws, an independently

[1] Rule 62-620.320, F.A.C.
[2] Rule 40B-400.104(2), F.A.C.

[3] EPA's Performance Track website, http://www.epa.gov/performancetrack/downloads/backgrounder.htm (last visited Feb. 27, 2007).

reviewed environmental management system (EMS), a commitment to continuous improvement with four measurable goals, a commitment to public outreach, and annual reporting[4].

Once accepted, members remain in the program for three years, provided that they continue to meet the program criteria. After three years, members may reapply to the program[5]. The benefits of Performance Track membership include recognition, networking, and regulatory incentives. Regulatory incentives include reduced reporting requirements under the Maximum Available Control Technology provisions of the Clean Air Act (CAA), expedited review of federal NPDES permits, extended storage times for large-quantity generators of hazardous waste regulated by the Resource Conservation and Recovery Act (RCRA), and reduced RCRA self-inspections[6]. Both the CAA and the RCRA extended storage time incentives have been adopted in Florida by the DEP[7]. However, neither the NPDES incentives nor the reduced RCRA self-inspections[8] are currently available in Florida. According to DEP, to date none of the 15 performance track facilities located in Florida has applied for a NEPT regulatory benefit.

Effect of the Proposed Changes

The bill creates the Florida Gold Star Permitting Act, s. 403.0874, F.S., which establishes incentives for those applicants seeking a permit renewal who meet a specified level of compliance with their existing permit and consequences for a specified level of noncompliance, including denial of an application for a new permit or issuance of a conditional permit. With the exception of general permits, as defined in s. 403.814, F.S., the bill affects permits issued by the DEP. In addition, the bill affects similar permits issued by local governments operating an environmental permitting program delegated by the state and certain permits issued by water management districts under s. 373.413, F.S. The bill does not affect the federal NEPT program.

INCENTIVES FOR COMPLIANCE:

The bill creates an incentive program for permit applicants meeting specified criteria. The incentives offered are limited to permit renewals and are divided into two levels. To be eligible for Level 1 incentives, an applicant must have conducted the regulated activity at the site for at least three years prior to the application for a renewal and not have had a formal enforcement action against it during the term of the permit being renewed. The bill defines formal enforcement action to include not only actions in which the DEP has issued or obtained an administrative or judicial final order, but also executed consent orders, alleged violations within a year of the application in question, and violations that are criminal or would be criminal if committed within Florida. If the DEP utilizes an alleged violation to bar an applicant from incentives under this section then the DEP has the burden of proving the violation occurred if the denial is challenged in court. Level 2 incentives require the applicant to meet all Level 1 criteria and in addition be a member of the National Environmental Performance Track

[4] EPA's Performance Track website, http://www.epa.gov/performancetrack/program/index.htm (last visited Feb. 27, 2007).
[5] EPA's Performance Track website, http://www.epa.gov/performancetrack/downloads/backgrounder.htm (last visited Feb. 27, 2007).
[6] EPA's Performance Track website, http://www.epa.gov/performancetrack/benefits/index.htm (last visited Feb. 27, 2007).
[7] Rule 62-730.160(1), F.A.C., providing for RCRA extended storage time and Rule 62-204.800, F.A.C., providing for CAA MACT reduced reporting.
[8] A Notice of Proposed Rule for Chapter 62-730, F.A.C., was published in the Florida Administrative Weekly on February 16, 2007. This proposed rule would adopt the federal RCRA incentive allowing fewer self-inspections.

program established by the United States Environmental Protection Agency. If eligible, an applicant for a permit renewal shall receive the following incentives upon request:

Level 1 incentives:

1. Short-form permit renewals.
2. Expedited permit review of short-form permit renewals.

Level 2 incentives:

1. Ten year permits, provided that the applicant has conducted the permitted activity for four years.
2. A Gold Star public recognition program. The Department shall establish a recognition program to ensure the public is able to readily determine which entities permitted by the Department are eligible for Level 2 incentives.
3. Other incentives to encourage performance beyond that required by law (to be developed during rulemaking.)

CONSEQUENCES OF NONCOMPLIANCE:

The bill creates 403.0874(5), F.S., to establish the consequences of noncompliance with Department permits. The bill provides the DEP with clear statutory authority to consider an applicant's compliance history when issuing a *new* permit, a permit modification that will result in a net increase in contaminants to the environment, or a permit transfer. The bill then allows the DEP to take various actions based on this history of non-compliance.

First, the bill allows DEP to issue a permit contingent on the applicant meeting specific requirements to address past or anticipated compliance issues. Second, if the applicant is deemed an "irresponsible applicant" the DEP may refuse to issue a *new* permit, a permit modification that will result in a net increase in contaminants to the environment, or a permit transfer. Conversely, the bill limits the Department's authority to deny an application for a permit renewal based on a history of noncompliance, unless the renewal results in a net increase in contaminants.

The bill defines "irresponsible applicant" as an applicant that has had, within the five years immediately preceding the Department's receipt of an application for a new permit, at least two formal enforcement actions brought by the DEP, excluding those listed in s. 403.121(3) F.S.[9], or three enforcement actions brought by DEP based on violations listed in s. 403.121(3) F.S., or has had any federal environmental or DEP permit revoked. Since the bill defines "formal enforcement action" to include alleged violations within a year of the application under consideration, the DEP can therefore issue a conditional permit or deny a permit application based on alleged violations. However, if the conditional permit or denial of a permit is challenged, the DEP has the burden of establishing that the applicant indeed committed the alleged violations.

Third, the DEP may issue a conditional permit for a period of less than five years. The applicant is required to pay the full cost for reviewing, issuing, and insuring compliance with the permit. If the permittee has any formal enforcement action during the term of the permit then the DEP may revoke the permit.

Lastly, although the compliance language is permissive, stating the DEP *may* deny a permit, the bill requires the Department's actions with respect to any application to be proportionate to the seriousness and number of violations within the applicant's compliance history. In determining whether to take action with respect to an application, the bill provides seven indices to guide the Department in

[9] Section 403.121(3) F.S., lists violations included in the Environmental Litigation Reform Act (ELRA). Violations included within this act have penalties of less than $10,000 and are of a type that allow for a generic penalty amount. The act contains a listing of each included violation and the corresponding penalty.

determining whether the applicant is unwilling or unable to comply with applicable environmental laws or the permit:

1. Whether the violations resulted in harm or a significant threat to human health or the environment;
2. Whether the violations establish a pattern of non-compliance or were isolated events, not likely to be repeated;
3. Whether the violations involved regulatory programs that are the same as, or similar to, the regulatory program from which the permit is being requested;
4. Whether the facility or operation for which a permit is being requested provides or proposes to provide utility services to the public or serves a similar public purpose;
5. Whether a denial of the permit will have an adverse effect on the public at large;
6. Any relevant evidence offered in mitigation by the applicant; and
7. Whether the applicant has acted reasonably to resolve previous violations and to prevent their recurrence.

C. SECTION DIRECTORY:

Section 1. Creates s. 403.0874, F.S., to establish a comprehensive permitting program to provide incentives for permit renewals that meet specified criteria and provide the DEP with clear statutory authority to consider the compliance history of an applicant when deciding whether to deny or issue a new permit.

Section 2. Amends s. 373.413, F.S., to make s. 403.0874, F.S., applicable to individual, standard general, and conceptual permits issued under s. 373.413, F.S.

Section 3. Amends s. 161.041, F.S., to make s. 403.0874, F.S., applicable to permits issued under ch. 161, F.S.

Section 4. Provides an effective date of January 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: See fiscal comments.

2. Expenditures: See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: See fiscal comments.

2. Expenditures: See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill provides an opportunity for a cost savings associated with renewing a permit for an eligible permit applicant. The application for certain permits may be made on short-forms, the review of such applications may be expedited and, in some cases, permits may be issued for a longer period of time.

D. FISCAL COMMENTS:

The bill may reduce revenue received by the DEP. The bill provides for longer term permits which may reduce the funds the DEP receives through permit fees. In addition, longer term permits will change the expected cash flow the DEP receives through permit fees. These same possible revenue reductions and changes in cash flow may affect local governments operating an environmental permitting program delegated by the state. Any need for additional staff due to the requirement for expedited review of certain permits and the requirement to provide incentives may be offset by a reduced workload resulting from longer term permits and short-form renewals. Lastly, the bill includes rulemaking authority to implement the bill's provisions. Rulemaking costs will be insignificant and non-recurring. These costs include DEP's efforts to publicize a proposed rule through mail-outs and public workshops around the state, as well as costs associated with publication and process requirements pursuant to Chapter 120, F.S.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

Not applicable because the bill does not: require counties or municipalities to spend funds or to take an action requiring the expenditure of funds; reduce the percentage of a state tax shared with counties or municipalities; or reduce the authority that counties and municipalities have to raise revenue.

B. RULE-MAKING AUTHORITY:

The bill provides the DEP with authority to promulgate rules to implement this act, including how extended permits may be transferred, how incentives may be revoked, and how long a new permit may be denied.

C. STATEMENT OF THE SPONSOR

N/A

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

N/A

A bill to be entitled

An act relating to the Gold Star Permitting Program; creating s. 403.0874, F.S.; providing a short title; providing legislative findings and purpose; providing definitions; providing compliance incentives for applicants for renewal of certain environmental permits; providing eligibility requirements for incentives; providing consequences for noncompliance with certain environmental permits; providing for consideration of an applicant's compliance history for conditioning or denying a new permit; providing for holding a permit application in abeyance; providing for the issuance of a conditional permit; providing criteria for the Department of Environmental Protection to consider when taking action on permit applications; providing for closure, postclosure, or corrective action permits; authorizing the department to create reporting forms; requiring the department to adopt rules; amending ss. 161.041 and 373.413, F.S.; specifying application of the Gold Star Permitting Program to certain permits; providing an effective date.

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

Section 1. Section 403.0874, Florida Statutes, is created to read:

403.0874 Gold Star Permitting Program.--

(1) SHORT TITLE.--This section may be cited as the "Florida Gold Star Permitting Act."

(2) LEGISLATIVE FINDINGS AND PURPOSE.--The Legislature

30 finds and declares that a permit applicant's history of
31 compliance or noncompliance with environmental laws, rules, and
32 permit conditions is a factor that should be considered by the
33 department when it determines whether to issue a new permit to
34 the applicant. Permit applicants with a history of compliance
35 with the environmental laws, rules, and permit conditions should
36 be eligible for longer term permits, short-form permit renewals,
37 and other incentives to reward and encourage such applicants when
38 those permits are renewed. Permit applicants with a history of
39 noncompliance with environmental laws, rules, and permit
40 conditions should be subject to more stringent requirements, and,
41 in some cases, such applicants should be denied permits for an
42 appropriate period of time. It is therefore declared to be the
43 purpose of this section to provide the department with clear and
44 specific authority to consider the compliance history of permit
45 applicants when evaluating whether the applicant should be issued
46 a new permit, in determining what conditions should be imposed on
47 the permit, and in evaluating whether an applicant for renewal of
48 a permit should be awarded incentives to encourage continued
49 compliance with the applicant's permit and applicable
50 environmental laws.
51 (3) DEFINITIONS.--For purposes of this section, the
52 following terms have the following meanings:
53 (a) "Applicant" means a person seeking a department permit,
54 other than a general permit as defined in s. 403.814, or transfer
55 of a permit to the person. For the purposes of this section, an
56 applicant includes the owner or operator of the facility. In
57 addition, for the purposes of subsection (5), if the owner or
58 operator is a business entity, an applicant includes a parent of

59 an applicant subsidiary corporation, a corporate officer or
60 director of an applicant corporation, a shareholder of an
61 applicant corporation holding more than 50 percent of the stock
62 of the applicant corporation, a general partner of an applicant
63 partnership, a managing member of an applicant limited liability
64 company, and a member of an applicant limited liability company
65 owning more than a 50-percent interest in the profits of the
66 applicant limited liability company.
67 (b) "Department" means the Department of Environmental
68 Protection and local governments acting under a delegation or
69 specific operating agreement with the department.
70 (c) "Environmental statutes" means any state or federal
71 statute that regulates activities for the purpose of protecting
72 the environment or for the purpose of protecting the public
73 health from pollution or contaminants, but does not include any
74 statute that regulates activities only for the purpose of zoning,
75 growth management, or land use.
76 (d) "Formal enforcement action" means that:
77 1. The department has issued or obtained an administrative
78 or judicial final order that finds that an applicant has
79 committed a violation of an environmental statute, department
80 rule, or department permit;
81 2. The applicant has executed a consent order with the
82 department;
83 3. Violations are alleged to have occurred within 1 year
84 prior to an applicant submitting an application, provided that
85 the department shall have the burden of establishing in any
86 administrative proceeding challenging the proposed action on the
87 application that the alleged violation has occurred; or

88 4. The applicant has been convicted of, pled guilty or nolo
89 contendere to, or entered into a deferred prosecution agreement
90 with respect to the charged offense, regardless of whether
91 adjudication has been withheld, for an environmental offense that
92 is or would be a criminal offense if committed in Florida.
93 (e) "Irresponsible applicant" means an applicant who,
94 within 5 years prior to submission of the permit application
95 currently under review, has had two or more formal enforcement
96 actions for violations other than violations described in s.
97 403.121(3), has had three formal enforcement actions including
98 formal enforcement based on violations described in s.
99 403.121(3), or has had any federal environmental or department
100 permit revoked.
101 (f) "Regulated activity" means any activity, including the
102 construction or operation of a facility, installation, system, or
103 project, for which a permit is required under a statute
104 administered by the department.
105 (4) COMPLIANCE INCENTIVES.--To obtain a compliance
106 incentive, the applicant must affirmatively request it as part of
107 an application for renewal of a permit. Unless otherwise
108 prohibited by state or federal statute, agency rule, or federal
109 regulation, and provided that the applicant meets all other
110 applicable criteria for the renewal of the permit, any applicant
111 who meets the criteria set forth in this subsection is eligible
112 for the following incentives:
113 (a) Level 1 incentives.--An applicant for renewal of a
114 permit shall be eligible for incentives pursuant to this
115 paragraph if the applicant has conducted the regulated activity
116 at the site for at least 3 years preceding submittal of the

117 application for renewal of the permit and has had no formal
118 enforcement actions against the applicant since issuance of the
119 permit being renewed. Level 1 incentives may include:
120 1. Short-form renewal.--Renewal of operation or closure
121 permits not involving substantial construction or expansion may
122 be made upon a shortened application form specifying only the
123 changes in the regulated activity or a certification by the
124 applicant that no changes in the regulated activity are proposed
125 if that is the case. Applicants for short-form renewals shall
126 complete and submit the prescribed compliance form with the
127 application. All other procedural requirements for renewal
128 applications shall remain in effect.
129 2. Expedited permit review.--Applicants using short-form
130 renewals for renewal of operation or closure permits not
131 involving substantial construction or expansion shall be eligible
132 for an expedited permit review by the department.
133 (b) Level 2 incentives.--An applicant shall be eligible for
134 incentives pursuant to this paragraph if the applicant meets the
135 requirements for Level 1 incentives described in paragraph (a)
136 and is a member of the National Environmental Performance Track
137 established by the United States Environmental Protection Agency.
138 Level 2 incentives may include:
139 1. Extended permits.--Provided that the applicant has
140 conducted the permitted activity at the site for at least 4
141 years, the department may issue the applicant a 10-year permit.
142 2. Gold Star public recognition program.--The department
143 shall establish a recognition program to ensure that the public
144 is able to readily determine which entities permitted by the
145 department are eligible for Level 2 incentives.

146 3. Other incentives.--The department may develop additional
147 incentives designed to encourage performance beyond that required
148 by law, provided that no such incentives shall result in a
149 lessening of environmental protection.
150 (5) CONSEQUENCES OF NONCOMPLIANCE ON AGENCY PERMITTING
151 DECISIONS.--
152 (a) The department may condition issuance of any permit on
153 the applicant meeting specific requirements that address past
154 compliance issues and anticipated compliance issues based on the
155 applicant's past behavior.
156 (b) The department may deny a new permit, any modification
157 to an existing permit that will result in a net increase in
158 contaminants to the environment, or any transfer of a permit to
159 an irresponsible applicant.
160 (c) The department may hold in abeyance any application for
161 a permit, any modification to an existing permit that will result
162 in a net increase in contaminants to the environment, or any
163 transfer of a permit during any period in which the department
164 has an administrative complaint for revocation of an applicant's
165 permit pending before the Division of Administrative Hearings.
166 Notwithstanding any requirement of state law requiring that the
167 department act on a permit application within a specified time
168 period, the time for processing the application shall be tolled
169 while the revocation proceeding is pending. Nothing in this
170 section shall preclude the department from seeking to enjoin any
171 violation during the pendency of the revocation proceeding
172 pursuant to s. 403.131.
173 (d) The agency may issue a permit for a period less than 5
174 years to an irresponsible applicant. The department shall require

175 the applicant to pay the full cost for reviewing, issuing, and
176 ensuring compliance with the permit. If the permittee has any
177 formal enforcement actions against it during the term of the
178 permit, the department may revoke the permit pursuant to s.
179 403.131.
180 (e) The department's action with respect to any application
181 shall be proportionate to the seriousness and number of
182 violations comprising the applicant's compliance history. In
183 determining whether to take any action with respect to an
184 application, the department shall consider any matter relevant to
185 a determination of whether the applicant is unwilling or unable
186 to comply with the permit or any applicable environmental laws,
187 including:
188 1. Whether the violations resulted in harm or a significant
189 threat to human health or the environment;
190 2. Whether the violations establish a pattern of
191 noncompliance or were isolated events, not likely to be repeated;
192 3. Whether the violations involved regulatory programs that
193 are the same as, or similar to, the regulatory program from which
194 the permit is being requested;
195 4. Whether the facility or operation for which a permit is
196 being requested provides or proposes to provide utility services
197 to the public or serves a similar public purpose;
198 5. Whether a denial of the permit will have an adverse
199 effect on the public at large;
200 6. Any relevant evidence offered in mitigation by the
201 applicant; and
202 7. Whether the applicant has acted reasonably to resolve
203 previous violations and to prevent their recurrence.

204 (f) If the department denies a permit application in
205 accordance with this subsection for a permit that includes
206 closure, postclosure, or corrective action requirements, the
207 department may deny that portion of the permit authorizing
208 operation and may issue a permit that contains only the closure,
209 postclosure, or corrective action requirements and conditions.
210 (6) REPORTING FORM.--The department may establish a form,
211 by rule, to be used for the purpose of reporting an applicant's
212 compliance history and its then-current state of compliance. The
213 department may require a responsible official of the applicant to
214 certify under penalty of perjury that the facts set forth on the
215 form are true. Once such a form is adopted, every application for
216 a new permit or for a permit that includes compliance incentives
217 that is submitted to the agency shall be accompanied by the
218 completed form in order to be considered complete.
219 (7) RULEMAKING.--The department shall adopt rules to
220 implement section (4). The rules may specify the format and
221 procedural requirements for requesting incentives, what
222 additional incentives will be made available, how applicants may
223 qualify for incentives, whether and how extended permits may be
224 transferred and the limitations on transfer, under what
225 circumstances extended permits may be revised based on formal
226 enforcement actions against the permittee, and how other
227 incentives may be removed or revoked if the applicant fails to
228 maintain the programs entitling it to an incentive or if the
229 applicant's compliance history changes. In addition, the
230 department may adopt rules implementing subsection (5), including
231 establishing additional factors it will consider when determining

232 whether an applicant's history of noncompliance justifies denial
233 of a requested permit.
234 Section 2. Subsection (5) is added to section 161.041,
235 Florida Statutes, to read:
236 161.041 Permits required.--
237 (5) The provisions of the Gold Star Permitting Program
238 under s. 403.0874 shall apply to all permits issued under this
239 chapter.
240 Section 3. Subsection (6) is added to section 373.413,
241 Florida Statutes, to read:
242 373.413 Permits for construction or alteration.--
243 (6) The provisions of the Gold Star Permitting Program
244 under s. 403.0874 shall apply to individual, standard general,
245 and conceptual permits issued under this part.
246 Section 4. This act shall take effect July 1, 2007.

Northwest Florida Water Management District
Budget Overview
Presented to the House Committee on Environmental Protection

February 28, 2007

By Douglas E. Barr
Executive Director
Northwest Florida Water Management District

Northwest Florida Water Management District
Budget Development Calendar – FY 2006-2007

May 25	Governing Board workshop on the Tentative Proposed Budget.
June 22	Tentative Proposed Budget is presented to the Committee and Governing Board. The tentative millage rate is set.
July 1	Property Appraisers provide Certification of Property Values
July 28	District submits the Tentative Proposed Budget to EOG, House and Senate committee chairs, DEP and each respective county commission.
August 1	Standard Format Tentative Budget Submission due.
August 4	District provide Proposed Millage Rate to Counties
September 1	District receives House and Senate Appropriations Chairs comments.
September 4-7	District advertises, in affected counties, its intent to adopt the tentative budget and millage, if necessary.
September 14	District conducts its first public hearing on the millage and tentative proposed budget
September 20	EOG budget changes (if any) are due by this date (five days prior to final hearing date). *(373.536(5)(b))*.
September 23-26	District advertises the date, time and place of final public hearing to adopt the millage and FY 2006/2007 budget.
September 28	Final millage and budget hearing held at 5:05 p.m. The millage is adopted followed by the adoption of the budget.
September 29	Resolutions adopting millage and budget mailed to each county'property appraisers and tax collectors.
October 6	Distribute adopted budget to Governor, House, Senate, Legislative committees, County Commissions, etc.
October	Complete, certify and return Form DR422 to property appraisers within three days of receipt from each respective county.
October 27	Submit TRIM Compliance to Tax Administration Program to Department of Revenue *(200.068, F.S.)*

Executive Office of the Governor Annual Budget Guidelines

Section 373.536(5)(a), F.S. authorizes the Executive Office of the Governor (EOG) to approve or disapprove water management district budgets, in whole or in part. As part of its review process, the Executive Office of the Governor provides the water management districts with budget guidelines. These are normally received by June annually.

Northwest Florida Water Management District
Ad Valorem Tax, Millage Rate and Rolled Back Rate
3 Year Comparison

DISTRICT-AT-LARGE	2004-2005	2005-2006	2006-2007
Millage Rate	0.050	0.050	0.050
Rolled-Back Rate*	0.0455	.0415	.0402
Percent Increase Above Rolled-Back Rate	9.89%	20.48%	24.38%
Current Year Gross Taxable Value	$64,284,137,024	$81,054,463,752	$105,094,817,389
Current Year Net New Taxable Value	$2,016,810,201	$2,539,839,762	$3,931,761,661
Current Year Adjusted Taxable Value	$62,267,326,823	$78,514,623,990	$101,163,055,728

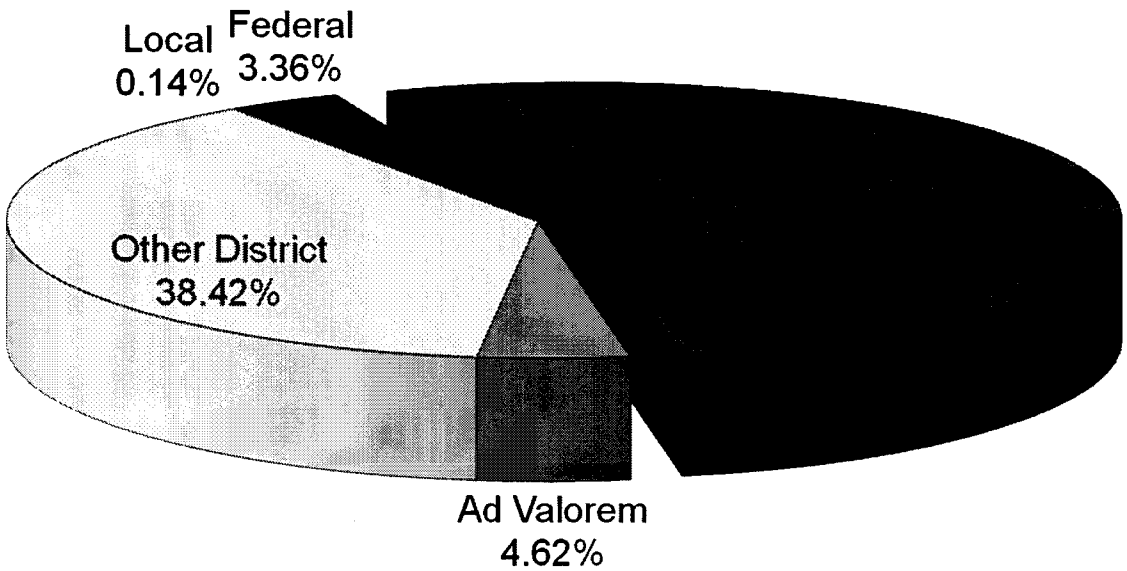
*The rolled-back rate is defined as "a rate which, exclusive of new construction, additions to structures, deletions and property added due to geographic boundary changes, will provide the same ad valorem tax revenue for each taxing authority as was levied during the prior year"

Northwest Florida Water Management District
FY 2006-2007 Program and Fiscal Resources

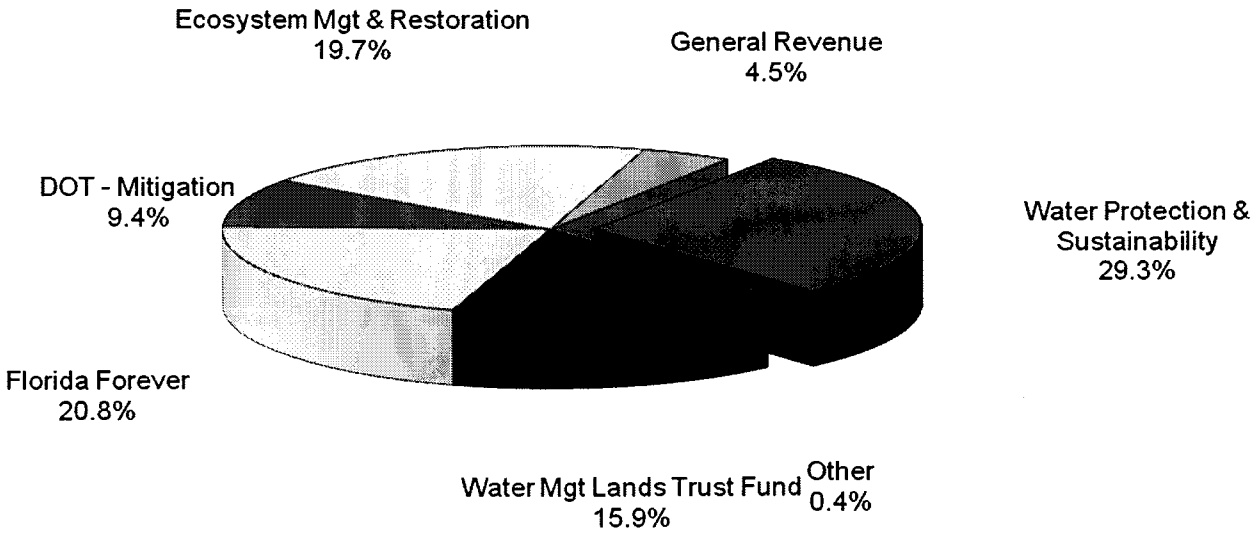
Standard Format Program	District Sources	Local Sources	State Sources	Federal Sources	Total Sources
1.0 Water Resources Planning and Monitoring	7,213,783	154,438	2,366,924	3,579,345	13,314,490
2.0 Acquisition, Restoration and Public Works	23,921,770		48,198,608	251,000	72,371,378
3.0 Operation and Maintenance of Lands and Works	5,675,567		6,055,855		11,731,422
4.0 Regulation	834,615		3,100,000		3,934,615
5.0 Outreach	116,237		95,434		211,671
6.0 District Management and Administration	11,232,112		1,044,926		12,277,038
Total Use of Fiscal Resources - Expenditures	48,994,084	154,438	60,861,747	3,830,345	113,840,614

See FY 2006-2007 Budget by Program and Fiscal Resources handout for detailed budget for District programs by funding source.

Northwest Florida Water Management District
FY 2006-2007 Source of Fiscal Resources



Northwest Florida Water Management District
FY 2006-2007 Source of State Funds



FY 2006 -2007 Revenues by Program

Standard Format Program	District Sources	Local Sources	State Sources	Federal Sources	Total Sources
Water Resources Planning and Monitoring	$7,213,783	$154,438	$2,366,924	$3,579,345	$13,314,490
Acquisition, Restoration and Public Works	23,921,770		48,198,608	$251,000	72,371,378
Operation and Maintenance of Lands and Works	5,675,567		6,055,855		11,731,422
4.0 Regulation	834,615		3,100,000		3,934,615
5.0 Outreach	116,237		95,434		211,671
6.0 District Management and Administration	11,232,112		1,044,926		12,277,038
Total Revenues	**$48,994,084**	**$154,438**	**$60,861,747**	**$3,830,345**	**$113,840,614**

FY 2006-2007 State Fiscal Resources

State Funding Source	**2006-2007**
Ecosystem Management Trust Fund (Legislative Funding)	$11,994,556
Department of Transportation/Mitigation	5,727,109
Water Management Lands Trust Fund	9,669,872
Forever Trust Fund	12,638,700
State General Revenue (ERP Start up)	2,740,000
Water Protection and Sustainability Trust Fund	17,824,000
Other State Revenue	267,510
Revenues	**$60,861,747**

Source of Fiscal Resources – 3 Year Comparison

Revenue Source	2004-2005	2005-2006	2006-2007
Ad Valorem Revenues	3,067,306	4,056,723	5,254,741
Other District Sources	1,047,211	32,609,596	43,739,343
Local Sources	140,703	138,036	154,438
State Sources	20,264,976	63,942,370	60,861,747
Federal Sources	1,836,119	5,093,726	3,830,345
Total	**26,356,315**	**105,840,451**	**113,840,614**

Northwest Florida Water Management District

Three Year Resource Summary by Program

Program Description	2004-2005		2005-2006		2006-2007	
Water Resource Planning and Monitoring	**Budget**	**Personnel**	**Budget**	**Personnel**	**Budget**	**Personnel**
Water Supply Planning	2,153		856,450		855,611	
Minimum Flows and Levels	75,253		2,977,060		2,981,061	
Other Water Resources Planning	284,105		311,624		325,832	
Research, Data Collection, Analysis and Monitoring	395,777		5,430,426		6,471,164	
Technical Assistance	833,856		2,315,463		3,122,502	
Subtotal Water Resource Planning and Monitoring	**1,591,144**	**24**	**$11,891,023**	**24**	**$13,756,170**	**24**
Acquisition, Restoration and Public Works						
Land Acquisition	6,827,110		13,236,340		5,355,081	
Water Resource Development Projects	304,874		5,422,053		1,737,982	
Water Supply Development Assistance	709,949		18,925,702		28,095,840	
Surface Water Projects	9,902,096		31,912,774		36,867,475	
Other Cooperative Projects	15,000		15,000		15,000	
Facilities Construction and Major Renovations					300,000	
Subtotal Acquisition, Restoration and Public Works	**17,759,029**	**11**	**$69,511,869**	**11**	**$72,371,378**	**11**
Operation and Maintenance of Lands and Works						
Land Management	2,165,314		10,558,388		10,956,802	
Works	656		54,000		104,000	
Facilities	214,324		198,673		228,940	
Subtotal Operation and Maintenance of Lands and Works	**$2,380,294**	**10**	**$10,811,061**	**10**	**$11,289,742**	**10**
Regulation						
Consumptive Use Permitting	289,305		375,012		407,652	
Water Well Construction Permitting and Contractor Licensing	390,698		452,406		514,961	
Environmental Resource and Surface Water Permitting	337,150		396,394		3,012,002	
Other Regulatory and Enforcement Activities	9,664					
Subtotal Regulation	**$1,026,817**	**21**	**$1,223,812**	**21**	**$3,934,615**	**37**
Outreach						
Water Resource Education	60,857		78,494		64,523	
Public Information	91,075		144,342		143,073	
Lobbying / Legislative Affairs / Cabinet Affairs	5,075		5,360		4,075	
Subtotal Outreach	**$157,007**	**3**	**$228,196**	**3**	**$211,671**	**3**
District Management and Administration						
Administrative and Operations Support	2,790,458		3,814,091		4,131,563	
Computers / Computer Support	602,444		1,669,484		1,557,034	
Other - (Tax Collector / Property Appraiser Fees)	49,122		65,000		65,000	
Reserves and Designations			6,625,916		6,523,440	
Subtotal District Management and Administration	**$3,442,024**	**19**	**$12,174,491**	**19**	**$12,277,037**	**19**
Total	**$26,356,315**	**88**	**$105,840,452**	**88**	**$113,840,613**	**104**

Use of Fiscal Resources – 3 Year Comparison

Standard Format Program	2004-2005	2005-2006	2006-2007
1.0 Water Resources Planning and Monitoring	$1,591,144	$11,891,023	$13,756,170
2.0 Acquisition, Restoration and Public Works	17,759,029	69,511,869	72,371,378
3.0 Operation and Maintenance of Lands and Works	2,380,294	10,811,061	11,289,742
4.0 Regulation	1,026,817	1,223,812	3,934,615
5.0 Outreach	157,007	228,196	211,671
6.0 District Management and Administration	3,442,024	12,174,491	12,277,037
Total Use of Funds – Expenditures	**$26,356,315**	**$105,840,452**	**$113,840,613**

See Three Year Resource Summary by Program handout for additional details.

Expenditures by Program – Three-Year Comparison

Standard Format Program	FY2004-2005	FY2005-2006	FY2006-2007
Water Resources Planning and Monitoring	$1,591,144	$11,891,023	$13,756,170
Acquisition, Restoration and Public Works	17,759,029	69,511,869	72,371,378
Operations and Maintenance of Lands and Works	2,380,294	10,811,061	11,289,742
4.0 Regulation	1,026,817	1,223,812	3,934,615
5.0 Outreach	157,007	228,196	211,671
6.0 District Management and Administration	3,442,024	12,174,490	12,277,038
Total Expenditures	**$26,356,315**	**$105,840,451**	**$113,840,614**

Use of Personnel Resources – 3 Year Comparison

Standard Format Program	2004-2005	2005-2006	2006-2007
1.0 Water Resources Planning and Monitoring	24	24	24
2.0 Acquisition, Restoration and Public Works	11	11	11
3.0 Operation and Maintenance of Lands and Works	10	10	10
4.0 Regulation	21	21	37
5.0 Outreach	3	3	3
6.0 District Management and Administration	19	19	19
Total Use of Personnel Resources	88	88	104

See Three Year Resource Summary by Program handout for additional details

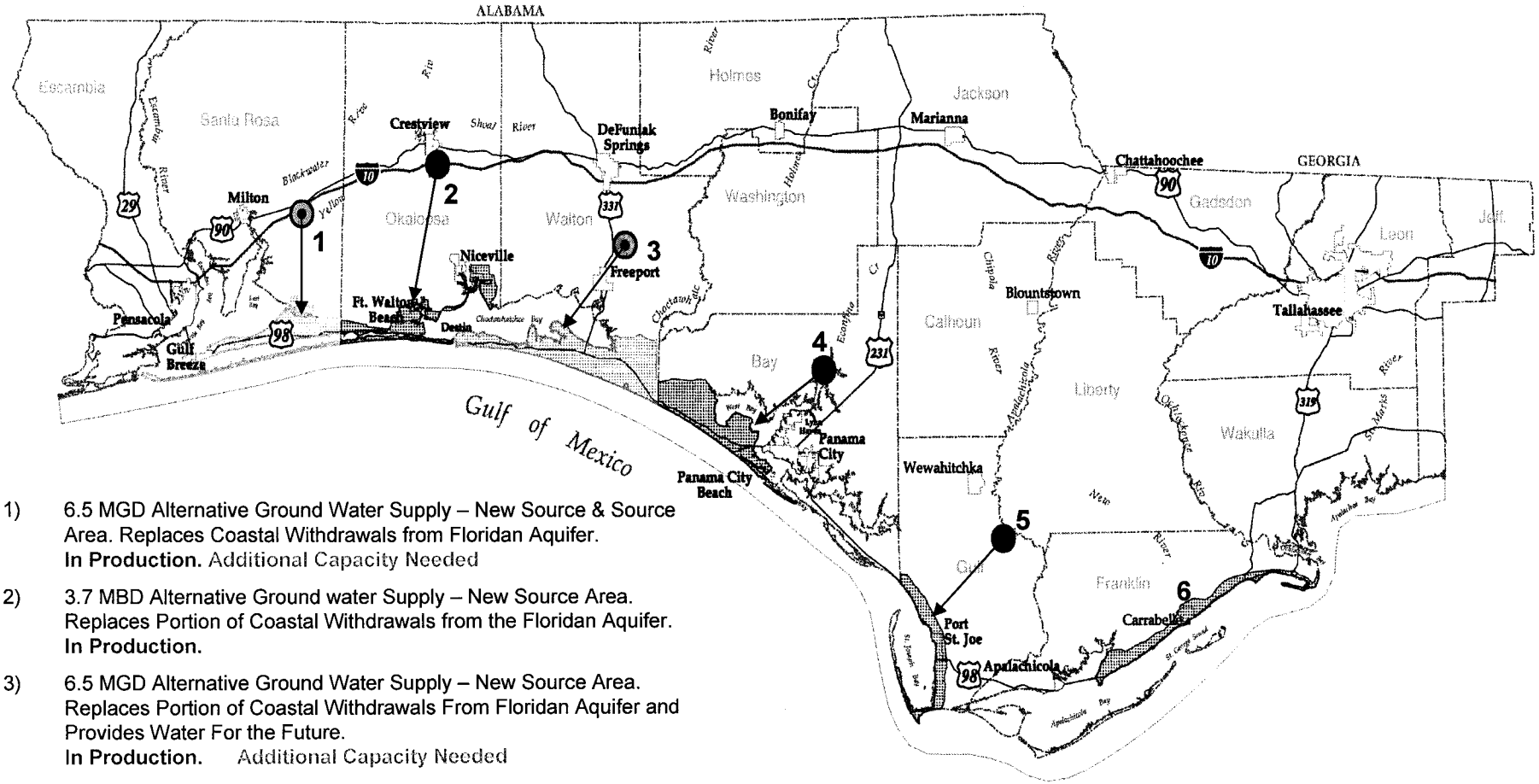
PROPOSED BUDGET - REVENUES, EXPENDITURES, AND PERSONNEL BY PROGRAM FOR FISCAL YEAR 2006-2007

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

		Water Resource Planning and Monitoring	Acquisition, Restoration and Public Works	Operation and Maintenance of Lands and Works	Regulation	Outreach	Management and Administration	TOTAL
REVENUES								
Non-dedicated Revenues								
Carryover	23,952,916							
Ad Valorem Taxes	5,254,741							
Permit & License Fees								
Local Revenues								
State Approp. for Operations - WMLTF	1,044,926							
Miscellaneous Revenues	910,000							
Non-dedicated Revenues Subtotal		7,213,783	11,180,410		375,115	116,237	12,277,038	$31,162,583
Dedicated Revenues								
Carryover			12,651,360	4,780,367				$17,431,727
Ad Valorem Taxes								
Permit & License Fees					438,000			$438,000
Local Revenues		154,438						$154,438
Ecosystem Management Trust Fund			11,994,556					$11,994,556
FDOT/Mitigation			5,727,109					$5,727,109
Water Management Lands Trust Fund		1,305,414	1,713,243	5,210,855	300,000	95,434		$8,624,946
Florida Forever			11,813,700	825,000				$12,638,700
State General Revenue					2,740,000			$2,740,000
Other State Revenue		187,510		20,000	60,000			$267,510
Water Protection & Sustainability Trust Fund		874,000	16,950,000					$17,824,000
Federal Revenues		3,579,345	251,000					$3,830,345
Miscellaneous Revenues			90,000	895,200	21,500			$1,006,700
Dedicated Revenues Subtotal		6,100,707	61,190,968	11,731,422	3,559,500	95,434		$82,678,031
TOTAL REVENUES		13,314,490	72,371,378	11,731,422	3,934,615	211,671	12,277,038	$113,840,614
EXPENDITURES								
Salaries and Benefits		1,056,879	768,395	747,092	1,829,640	135,396	3,022,523	$7,559,925
Other Personal Services		4,061,580	13,108,631	2,666,275	286,000	4,000	371,385	$20,497,871
Operating Expenses		95,811	165,217	1,275,825	245,975	60,275	1,060,140	$2,903,243
Operating Capital Outlay		94,900	14,450	278,500	373,000	2,000	239,550	$1,002,400
Fixed Capital Outlay			7,092,700	1,631,350	1,200,000			$9,924,050
Interagency Expenditures		100,000	30,920,625	40,000		10,000		$31,070,625
Debt								
Reserves		8,347,000	20,301,360	4,650,700			7,583,440	$40,882,500
TOTAL EXPENDITURES		13,756,170	72,371,378	11,289,742	3,934,615	211,671	12,277,038	$113,840,614
PERSONNEL								
Full-time Equivalents		17	5	7	18	2	12	61
Contract/Other		7	6	3	19	1	7	43
TOTAL PERSONNEL		24	11	10	37	3	19	104

Northwest Florida Water Management District

Status of Alternative Water Supplies



1) 6.5 MGD Alternative Ground Water Supply – New Source & Source Area. Replaces Coastal Withdrawals from Floridan Aquifer.
In Production. Additional Capacity Needed

2) 3.7 MBD Alternative Ground water Supply – New Source Area. Replaces Portion of Coastal Withdrawals from the Floridan Aquifer.
In Production.

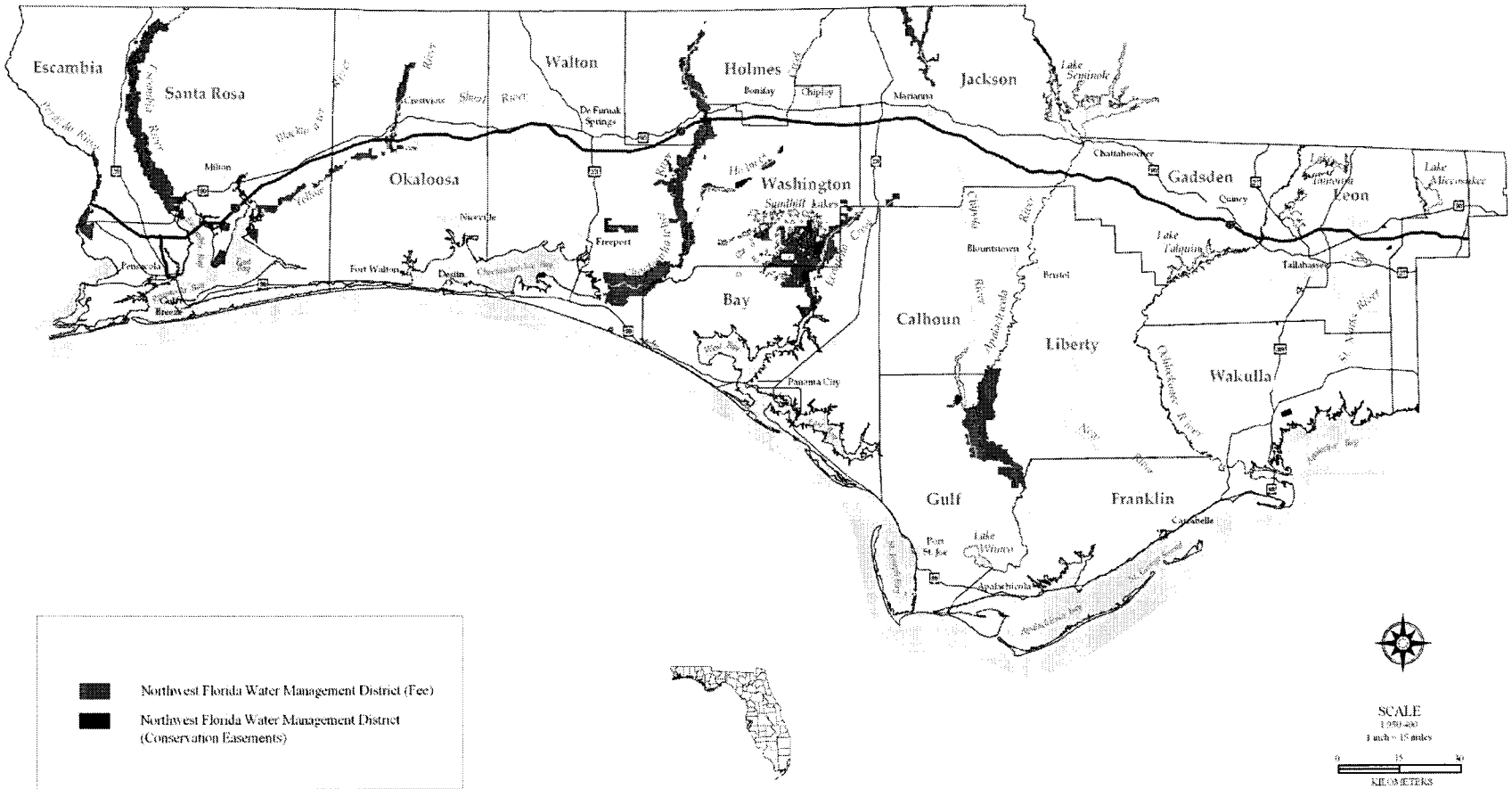
3) 6.5 MGD Alternative Ground Water Supply – New Source Area. Replaces Portion of Coastal Withdrawals From Floridan Aquifer and Provides Water For the Future.
In Production. Additional Capacity Needed

4) 3. 5 MGD Alternative Surface Water Supply – New Source. Replaces Coastal Withdrawals From Floridan Aquifer
In Production.

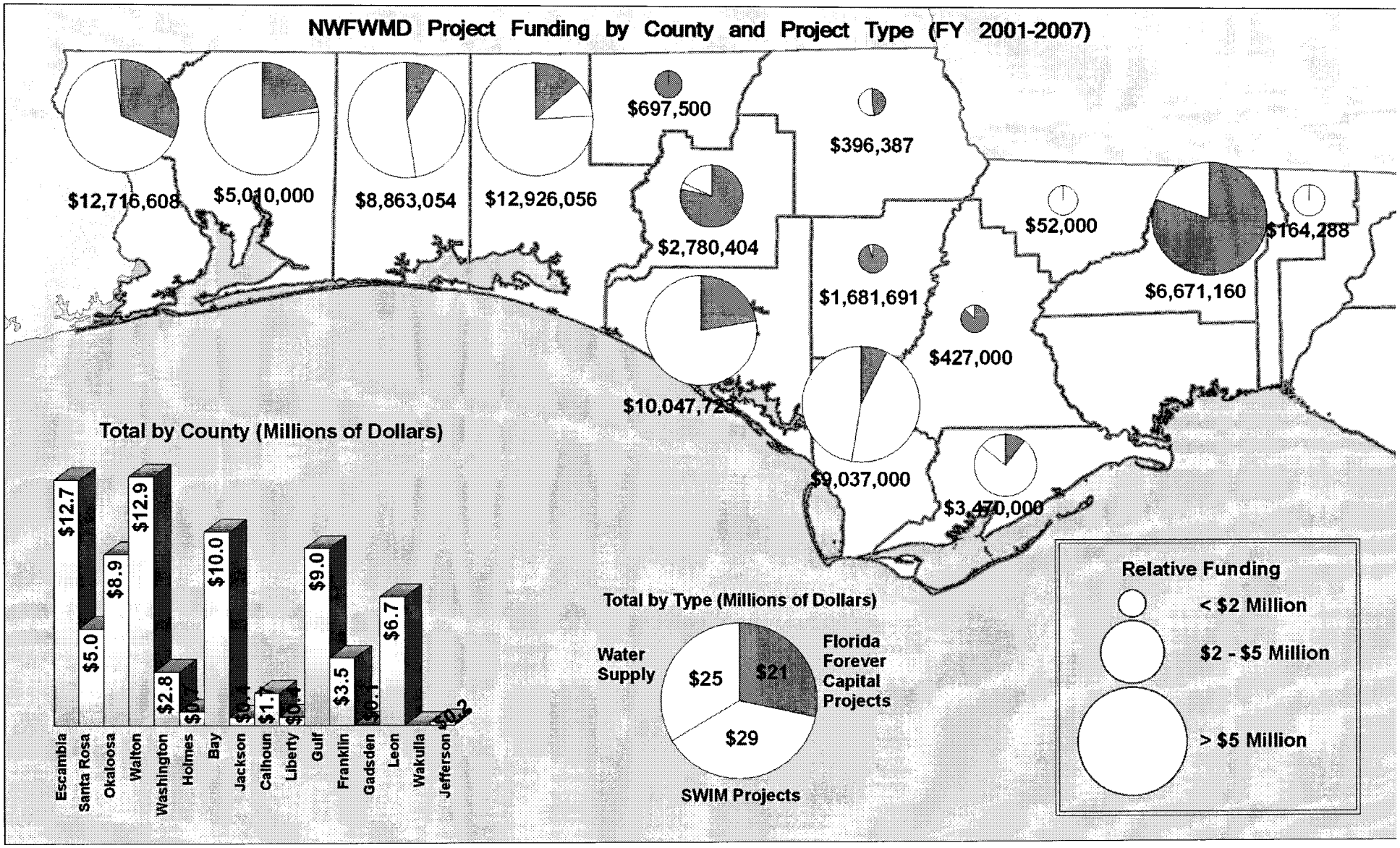
5) 2.7 MGD Alternative Surface Water Supply – New Source. Replaces Coastal Withdrawals From The Floridan Aquifer.
In Production.

6) Alternative Supply Needed For Coastal Area. In Progress

NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT LANDS



Map Created: July 7, 2006


NWFWMD Project Funding by County and Project Type (FY 2001-2007)
$12,716,608
$5,010,000
$8,863,054
$12,926,056
$697,500
$2,780,404
$396,387
$1,681,691
$52,000
$6,671,160
$164,288
$427,000
$10,047,72
$9,037,000
$3,470,000
Total by County (Millions of Dollars)
$12.7
$5.0
$8.9
$12.9
$2.8
$10.0
$1.
$9.0
$3.5
$6.7
Escambia
Santa Rosa
Okaloosa
Walton
Washington
Holmes
Bay
Jackson
Calhoun
Liberty
Gulf
Franklin
Gadsden
Leon
Wakulla
Jefferson
Total by Type (Millions of Dollars)
Water Supply
$25
$21
Florida Forever Capital Projects
$29
SWIM Projects
Relative Funding
< $2 Million
$2 - $5 Million
> $5 Million

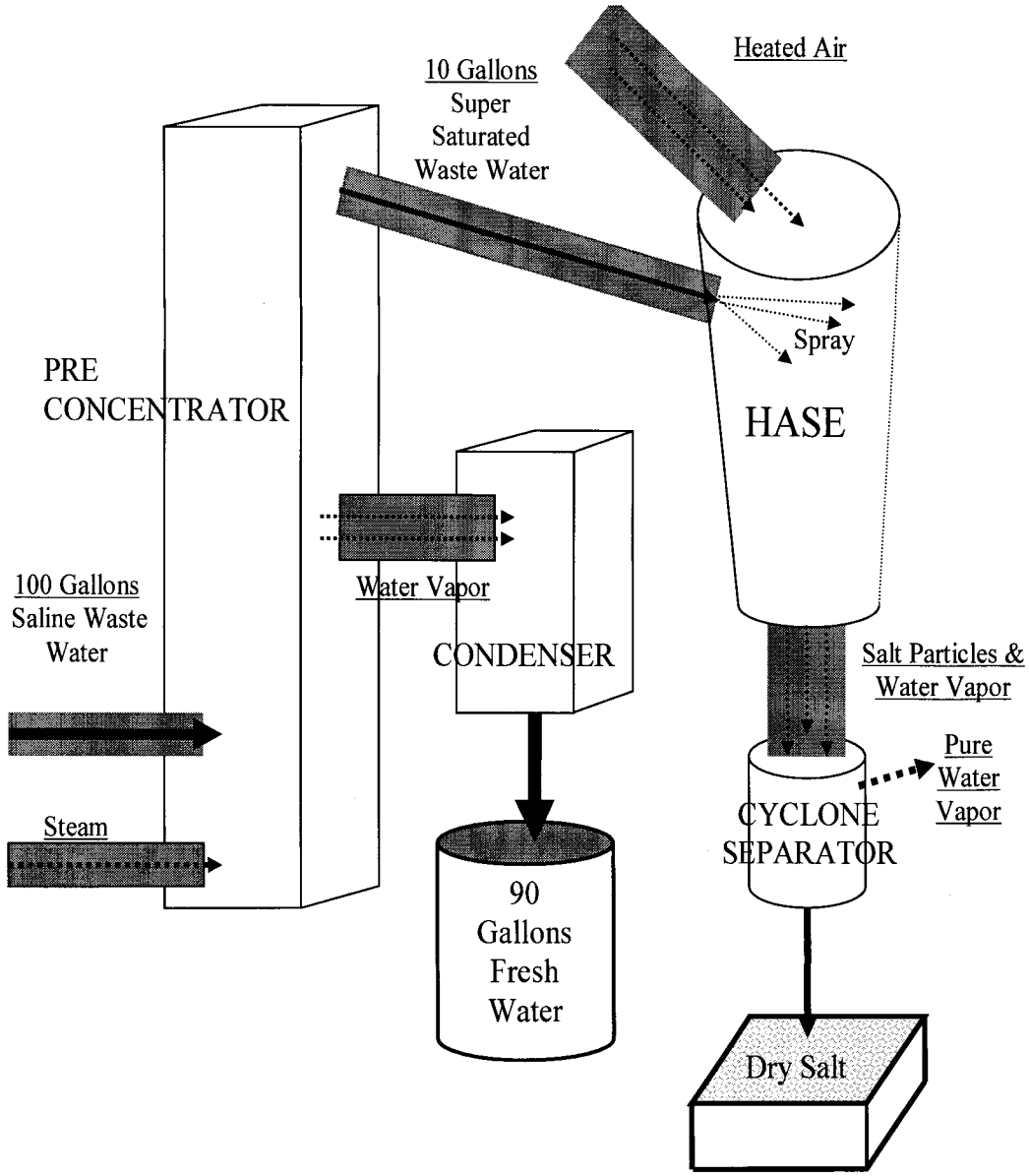
Alternative Water Supply/Desalinization

Presented by
WATERVAP, LLC

A Technology Licensing Firm

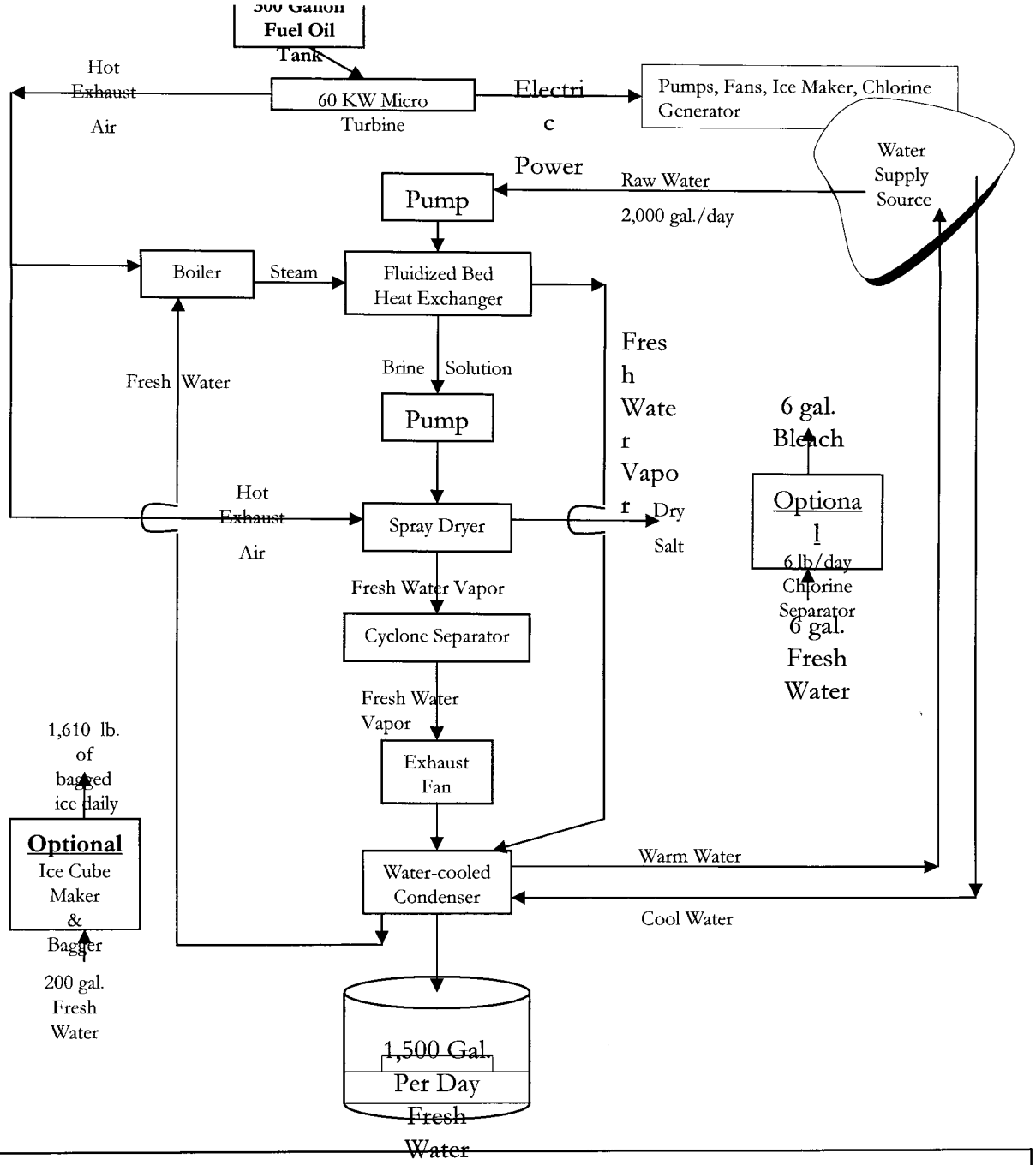
Technology Characteristics

- Removes all salt & dissolved solids
- Any salt concentration input
- Dry salt output
- Any heat source
- Minimal operational labor
- Environmentally friendly



HYBRID WATERVAP DESALINATION SYSTEM

WATERVAP PILOT DEMO PLANT

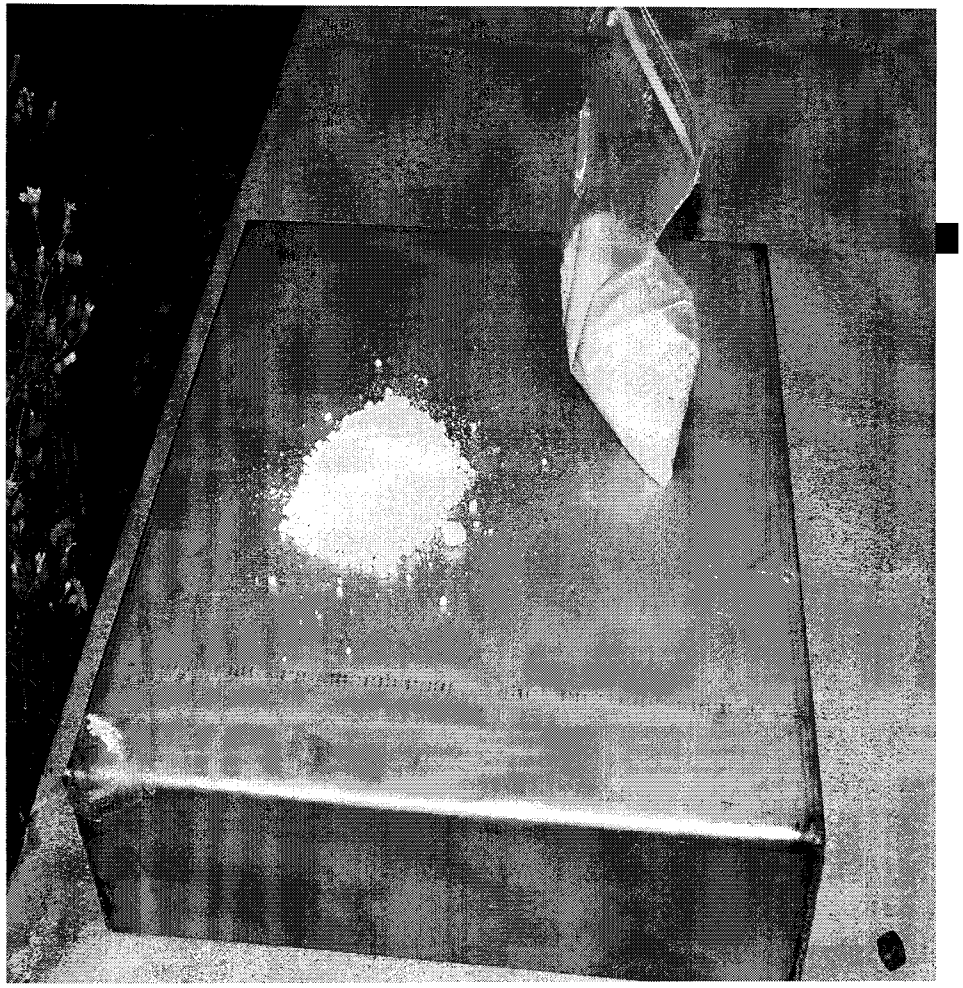


Watervap trailer-mounted 2,000 gallons /day Emergency Water Supply Unit

FULL SCALE PLANT EXAMPLE

Full Scale example of a spray dryer system

DRY SALT EXAMPLE



- Example of dry salt recovered from pilot plant treating meat processing brine wastewater

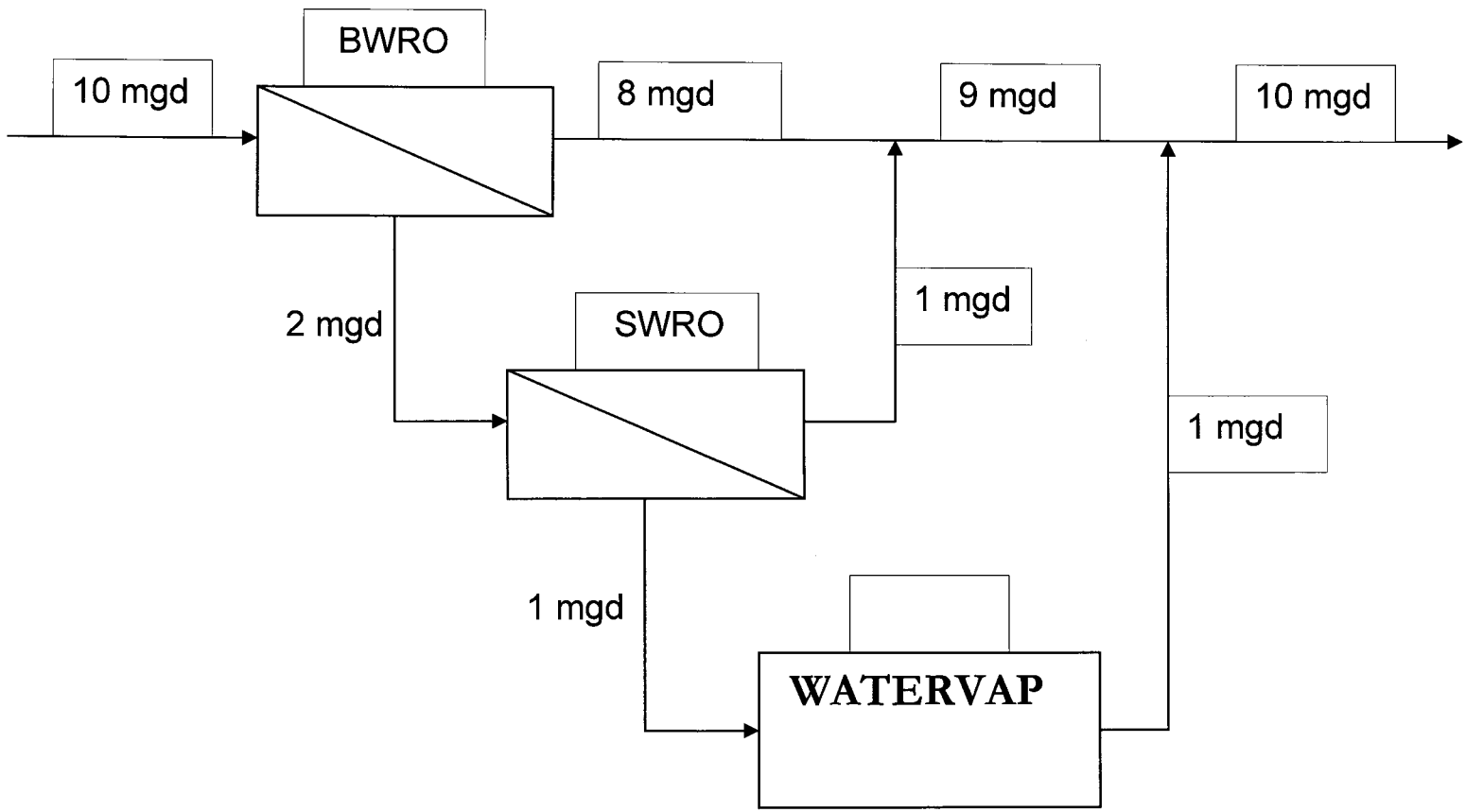
SALT PRODUCTION

1.0 MGD Seawater Desalination Plant

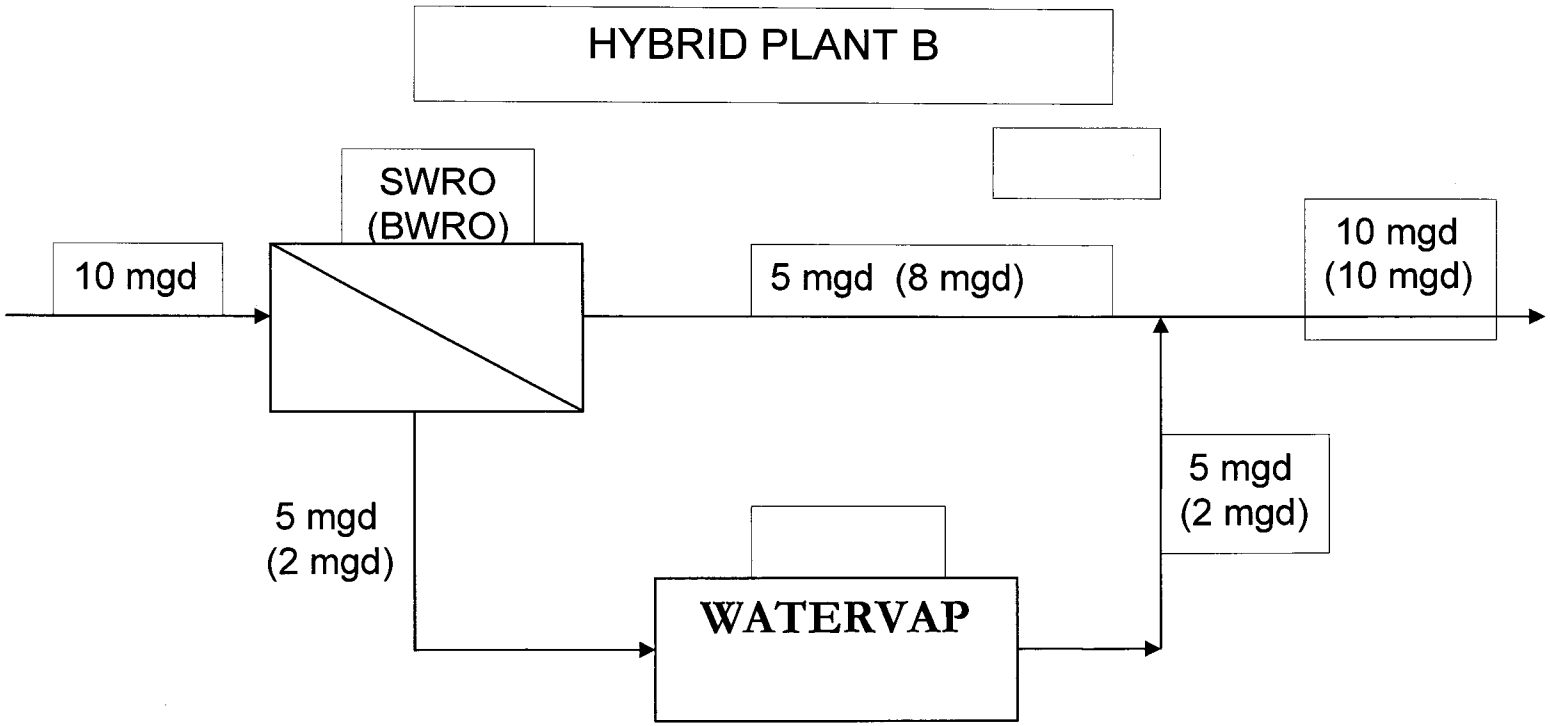
146 dry tons per day

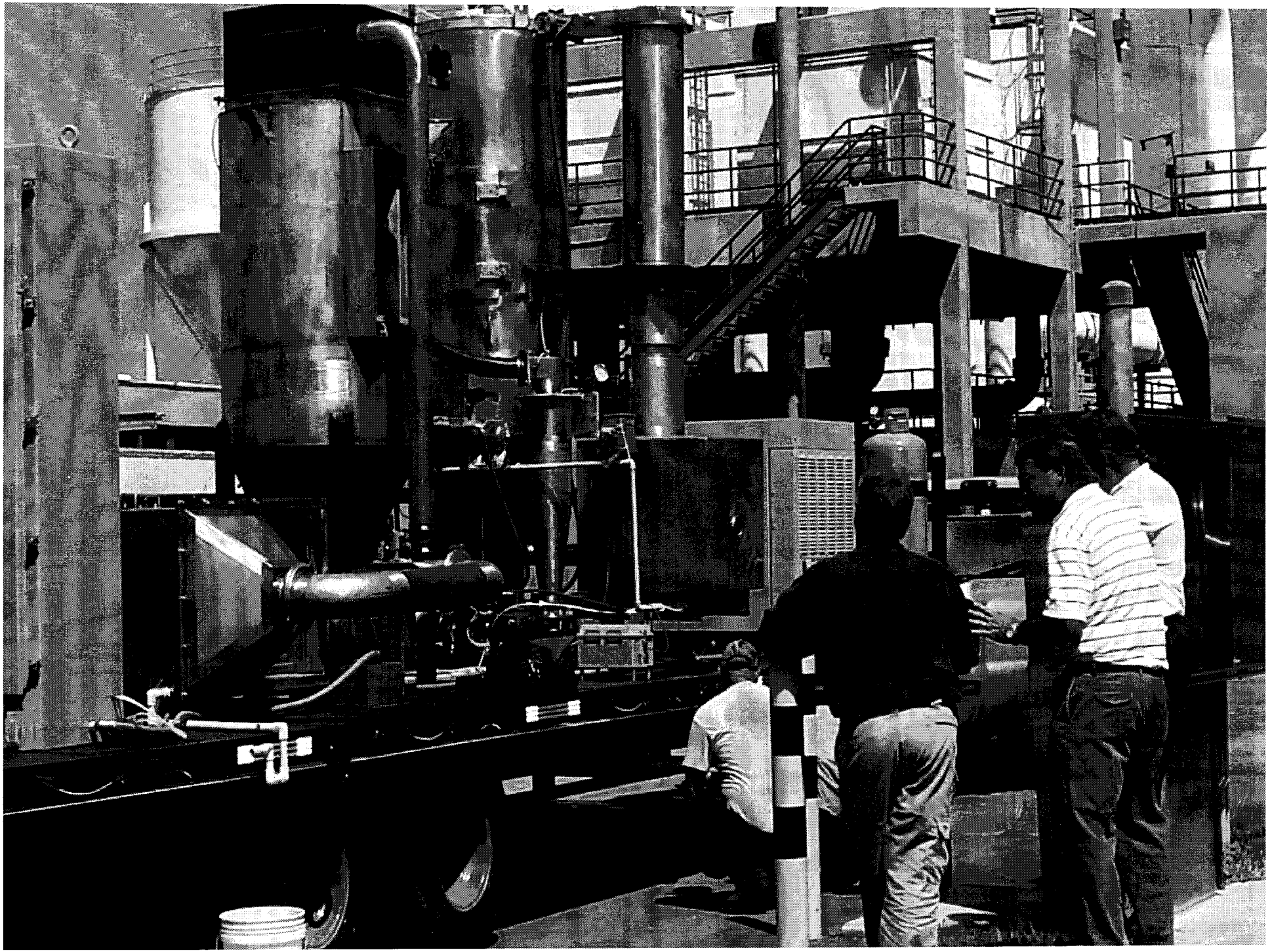
Market Value of Salt……..$40/ton

WATERVAP HYBRID PLANT A



WATERVAP HYBRID PLANT B





TYPICAL TEST RESULTS

SOURCE	UNTREATED	TREATED
RO Concentrate	70,000 mg/l, TDS	80 mg/l, TDS
Meat Cooking	36,000 mg/l, TDS	70 mg/l, TDS
Oil Field	89,000 mg/l, TDS	98 mg/l, TDS
Landfill Leachate	3,600 mg/l, TDS	10 mg/l, TDS

WATERVAP Applicability

- Second stage to reverse osmosis seawater plant
- Industrial waste water treatment
  - ✓Food processing industry
  - ✓Mine water treatment
  - ✓Landfill leachate treatment
  - ✓Oil fields
  - ✓Commercial laundries

Solution to Waste Water Discharges!

WATERVAP COST INFLUENCE FACTORS

- Ambient air temperature & humidity
- Heat energy source and cost
- Feedwater operating pressure
- Heated air operating temperature
- Water cooled or refrigerant cooled condenser
- Heat recovery
- Pre-treatment needs

WATERVAP COSTS

- Capital --- Project specific dependent *
- Total production --- Project specific dependent*
- * Cost case histories are not available at this time.

WATERVAP TREATMENT TECHNOLOGY

- Solution to problems associated with the removal of dissolved salts from water.
- Zero liquid discharge capability
- Does not always compete with Reverse Osmosis technology but enhances its market expansion.

HEAT ENERGY SOURCES

- Natural gas
- Fuel Oil
- Steam
- Landfill gas
- Turbine generator exhaust gas
- Biofuels
- SOLAR ENERGY

ADVANTAGES & BENEFITS

- Zero liquid discharge
- Water conservation
- Greatest salt concentration treatment capability
- Most competitive desalination technology if waste heat is available
- Easy to operate and maintain
- Limited if any pre-treatment required

WATERVAP, LLC

A Technology Licensing Firm

www.H2Ovap.com

(770) 894-4192

DESALINATION

A process of removing dissolved solids-primarily salts- from water.

DRINKING WATER

- **WHO recommends the salinity of drinking water should be less than 500 mg/l.**

- **Less than 3 % of the world's water has a salinity of less than 500 mg/l.**

- **Only one-half of 1 % of the world's water is easily accessible and suitable for drinking.**

WATER SUPPLY CLASSIFICATIONS

Source	Salinity, mg/l
Fresh	0 – 500
Brackish	1,000 - 10,000
Seawater	35,000 – 46,000

DESALINATION PROCESSES

- Reverse Osmosis (membranes)
- Distillation (thermal)

RO PROCESSES

- Low Pressure
- Medium Pressure
- High Pressure

RO PRODUCT RECOVERIES

- Low pressure 85 – 95 %
- Medium pressure 65 – 80 %
- High pressure 40 – 60 %

DISTALLATION PROCESSES

- MED- Multiple Effect Distillation

(Most common for seawater desalination)

- MSF- Multiple Flash Evaporation

(Currently more applicable for small units)

- MVC- Mechanical Vapor Compression

(Usually used where low cost steam is unavailable)

CUSTOMER COSTS FOR VARIOUS WATER SUPPLIES

Water Salinity	$ / 1,000 gallons
Fresh water	0.95 to 2.50
Brackish water	1.25 to 2.75
Seawater	2.50 to 7.00

Committee on Environmental Protection

Wednesday, March 07, 2007
9:00 AM – 12:00 PM
212 Knott

Addendum A (03.06.07, 10:00 a.m.)

Allan G. Bense
Speaker

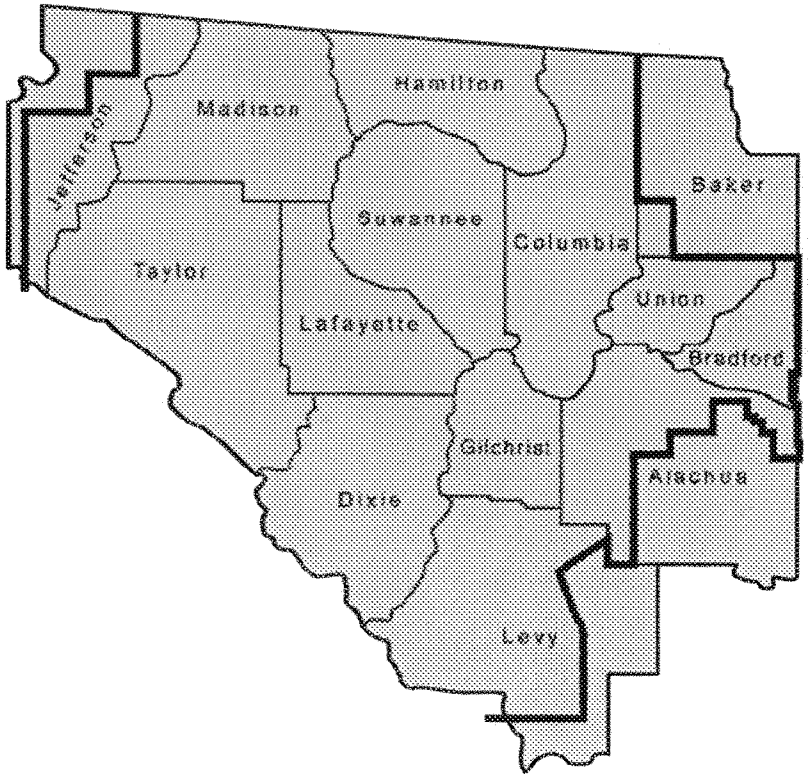
Mitch Needelman
Chair

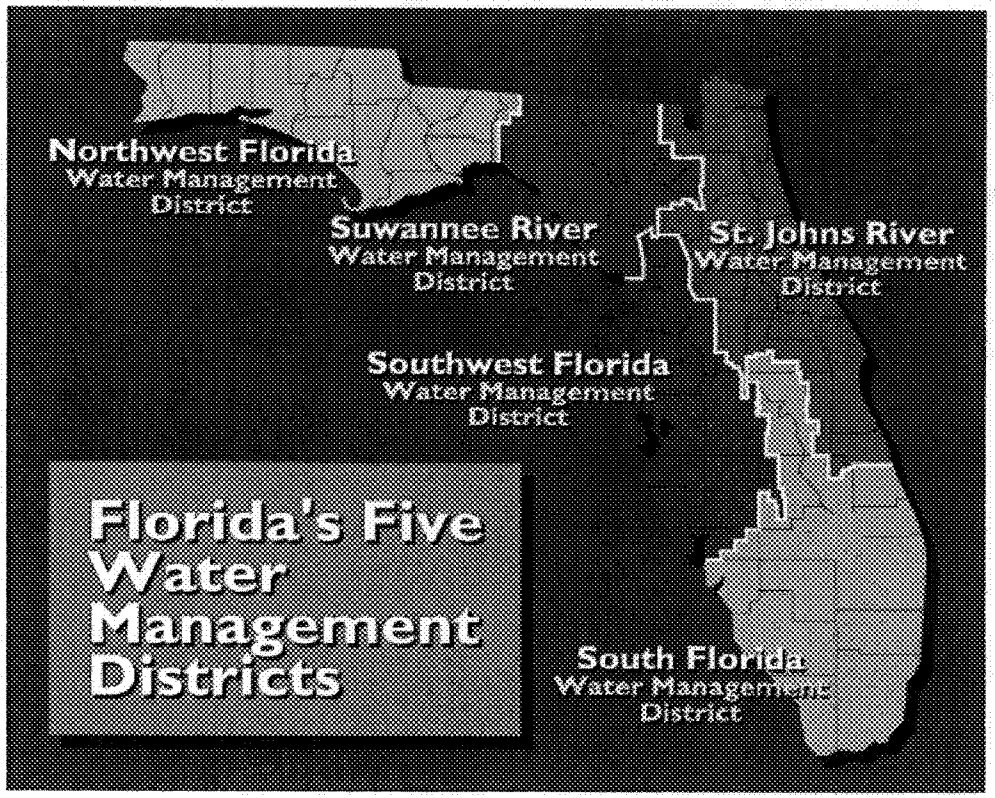
Budget Overview
Presented to the House Committee on Environmental Protection

March 7, 2007

David Still, P.E.
Deputy Executive Director

Suwannee River WMD





Water Management District
Annual Budget Development Calendar

December/January	Governing Board Annual Planning Workshop
January through June	Districts Develop Proposed Budget
March through June	Governing Board Workshop to Review Proposed Budget
July 1st	Property Appraisers provide Certification of Property Values
by July 15th	Districts Adopt Proposed Millage Rates
August 1st	Standard Format Tentative Budget Submission due
by August 4th	Districts provide Proposed Millage Rates to Counties
Early September	Districts Hold Public Hearing to Adopt Tentative Budget
September 5th	House and Senate Committee Chair Budget Comments Due
Mid September	Executive Office of the Governor Budget Comments Due
Mid to Late September	Districts Hold Public Hearing to Adopt Budget
3 Days Later	Adopted Budget Resolution to Counties
30 Days Later	Adopted Budget and TRIM documents to Department of Revenue
September 30th	Fiscal Year Ends
October 1st	Fiscal Year Begins
December 15th	EOG Report on Water Management District Budget Review Due

Executive Office of the Governor Annual Budget Guidelines

Section 373.536(5)(a), F.S. authorizes the Executive Office of the Governor (EOG) to approve or disapprove water management district budgets, in whole or in part. As part of its review process, the Executive Office of the Governor provides the water management districts with budget guidelines. These are normally received by June annually.

Ad Valorem and Staff

- Current millage rate 0.4914, since 1989-1999

- No increase in staff of 68 since 1989-90

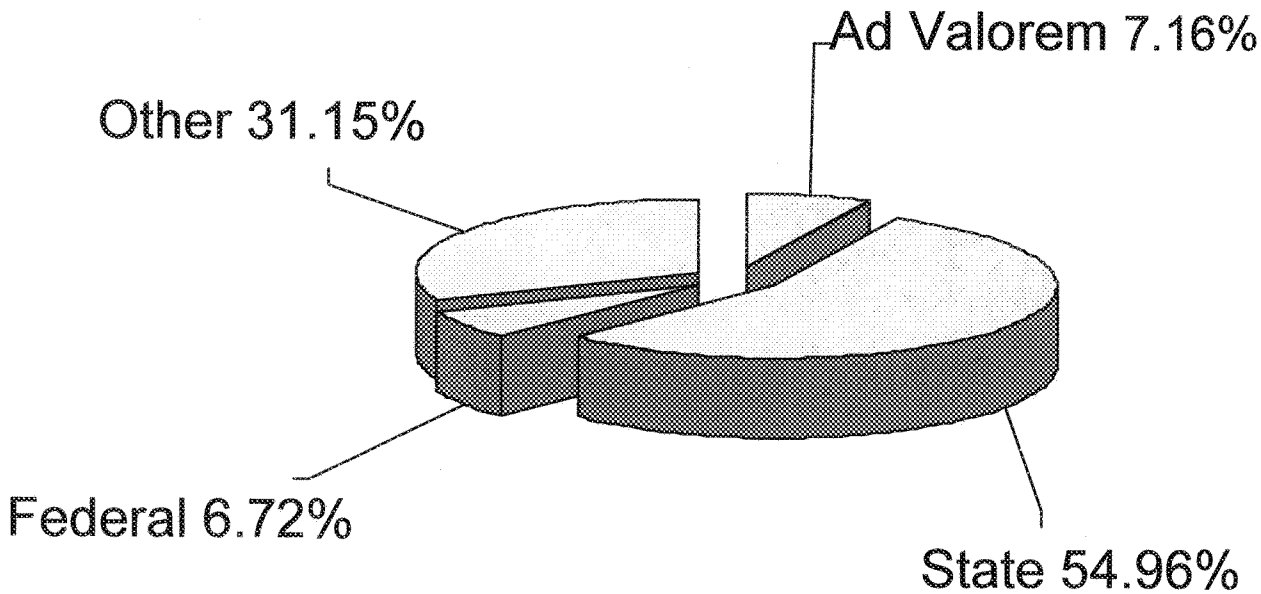
Suwannee River Water Management District
Fiscal Year 2006-2007 Adopted Budget

Source of Funds – Revenues	
Ad Valorem Tax Revenues	6,100,000
Other District Sources	26,539,188
State	46,825,977
Federal	5,728,980
Local	0
Total Source of Funds – Revenues	85,194,145

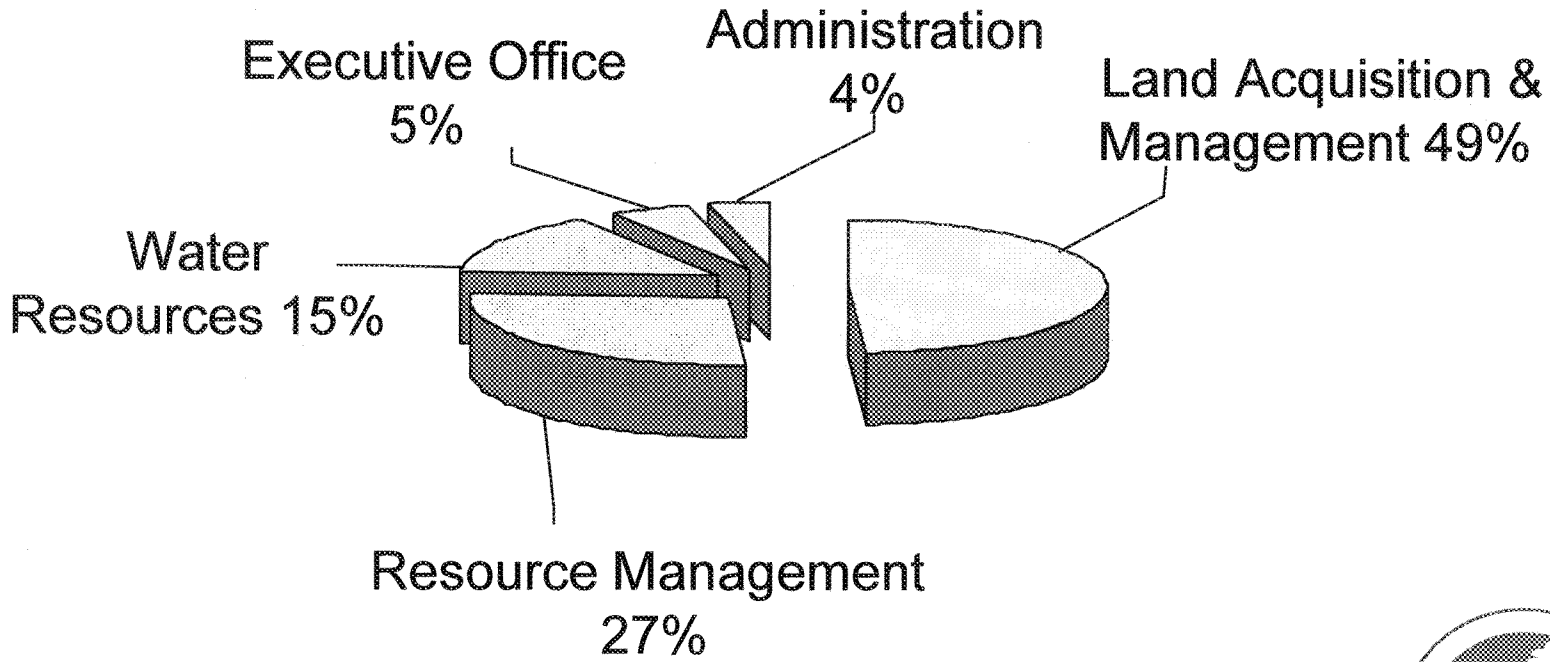
Suwannee River Water Management District
Fiscal Year 2006-2007 Adopted Budget

Use of Funds – Expenditures	
1.0 Water Resources Planning and Monitoring	6,958,591
2.0 Acquisition, Restoration and Public Works	48,139,115
3.0 Operation and Maintenance of Lands and Works	20,035,104
4.0 Regulation	1,856,831
5.0 Outreach	365,624
6.0 District Management and Administration	7,838,880
Total Use of Funds – Expenditures	85,194,145

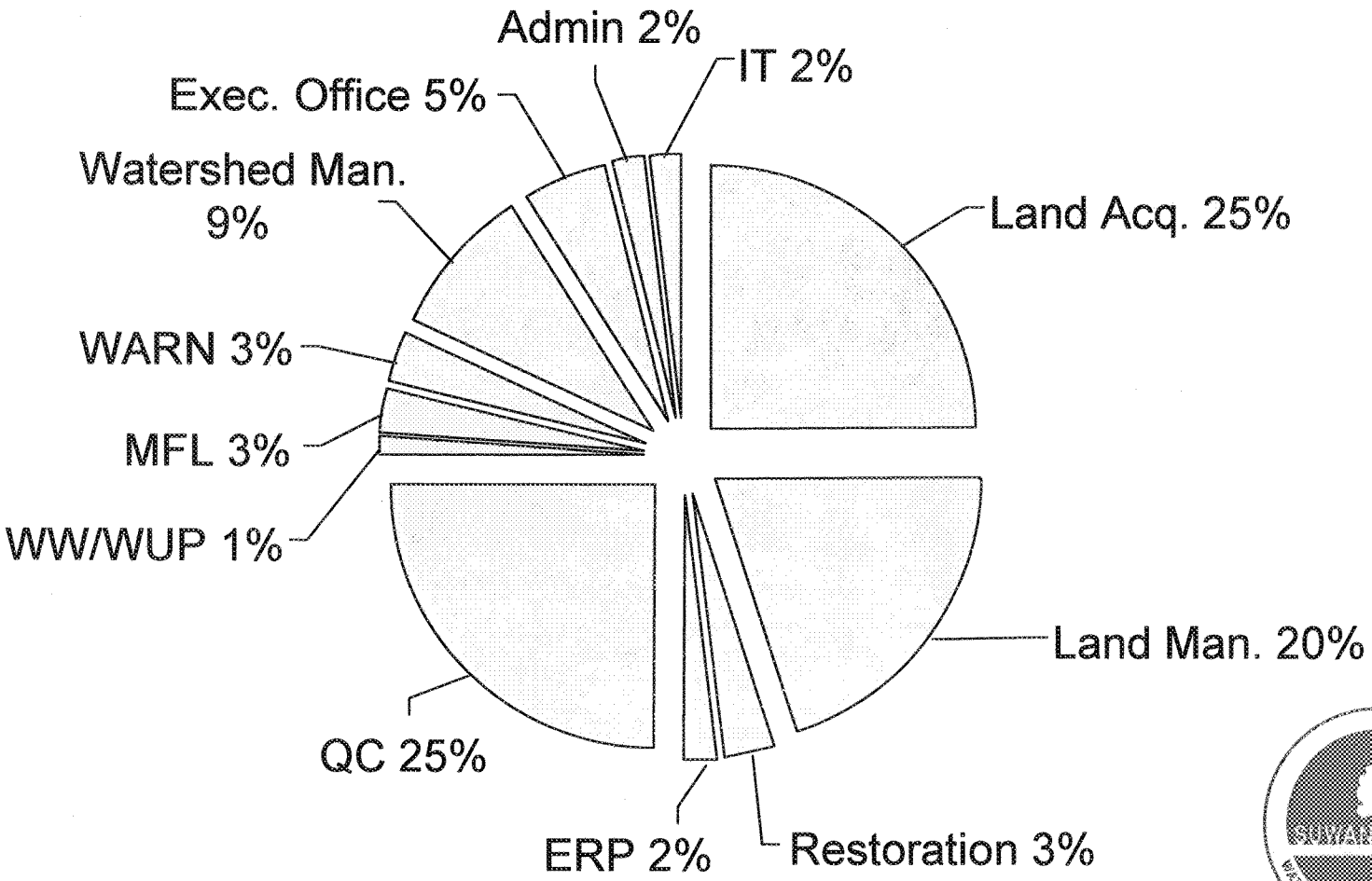
FY 2007 Revenues By Revenue Type
Total Revenues - $85,194,145



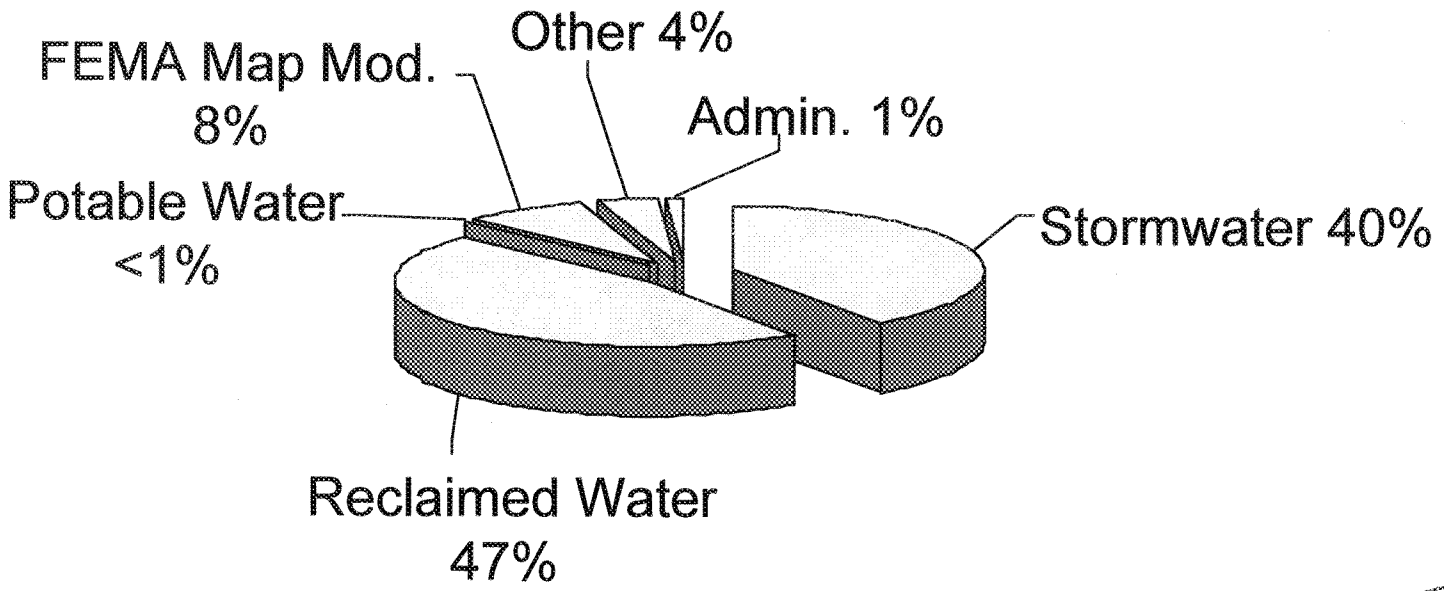
FY 2007 Revenues & Expenditures By Units
Total Budget of $85,194,145



FY 2007 Revenues & Expenditures By Project
Total Budget of $85,194,145



FY 2007 Quality Communities Projects
Total Budget of $20,946,620



Project Name	Budget
Alachua Stormw ater Utility	$ 100,000
Archer Stormw ater	$ 500,000
Cannon Creek Basin Stormw ater	$ 500,000
City of Alachua Cooperative Reclaimed Water Program	$ 1,000,000
Columbia County Stormw ater	$ 2,000,000
Fanning Springs Trailhead	$ 80,000
FEMA Map Mod - FY05 Support - Col and Suw	$ 115,000
FEMA Map Mod - FY06 Support - Taylor and Union	$ 69,620
FEMA Map Modernization - MAS 2 - Col; Suw	$ 530,000
FEMA Map Modernization - MAS 3 - Taylor and Union	$ 1,000,000
High Springs Cooperative Reclaimed Water Program	$ 1,000,000
Jasper Stormw ater	$ 1,150,000
Lake City Cooperative Reclaimed Water Program	$ 3,000,000
Lake City Stormw ater Utility	$ 100,000
Law tey Wastew ater	$ 300,000
Live Oak - US 90 and Houston Street Drainage	$ 135,000
Live Oak Cooperative Reclaimed Water Program	$ 3,000,000
Live Oak Stormw ater Utility	$ 100,000
Live Oak Water Supply	$ 10,000
Madison Four Freedoms Trail	$ 300,000
Madison Water Supply	$ 10,000
Monticello Reclaimed Water Program	$ 1,500,000
Program Administration - Quality Communities	$ 135,000
Spring Creek Trailhead	$ 303,000
Starke Stormw ater - Alligator Creek	$ 1,150,000
Starke Stormw ater / Pratt Street	$ 1,496,000
Taylor County Greenw ay	$ 213,000

District Representatives

Northwest Florida	Doug Barr (850) 539-5999
Suwannee River	David Still (386) 590-1272
St. Johns River	Mike Slayton (321) 508-0801
Southwest Florida	David Rathke (352) 279-2834 Colleen Thayer (941) 737-2754
South Florida	Ernie Barnett (561) 951-2840 Garrett Wallace (561) 662-7208