

Committee Substitute for House Bill No. 9

An act relating to pollution control; amending s. 403.061, F.S.; providing rule-making authority; amending s. 403.707, F.S.; requiring an applicant for a permit to construct or modify a solid waste management facility to notify the local government of the filing of application; requiring publishing of the application; providing requirements with respect thereto; amending s. 403.71851, F.S.; providing for electronics recycling grants; providing that grant funding shall be used for certain demonstration projects; providing for the Department of Environmental Protection to conduct a comprehensive review of certain waste reduction and recycling goals and other related legislative requirements; providing that the department must issue a report; providing an effective date.

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

Section 1. Subsections (37), (38), and (39) of s. 403.061, Florida Statutes, are amended to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(37) Enter into a memorandum of agreement with the Florida Ports Council which provides a supplemental permitting process for the issuance of a joint coastal permit pursuant to s. 161.055 or environmental resource permit pursuant to part IV of chapter 373, to a port listed in s. 311.09(1), for maintenance dredging and the management of dredged materials from maintenance dredging of all navigation channels, port harbors, turning basins, and harbor berths. Such permit shall be issued for a period of 5 years and shall be annually extended for an additional year if the port is in compliance with all permit conditions at the time of extension.The department is authorized to adopt rules to implement this subsection.

(38) Enter into a memorandum of agreement with the Florida Ports Council which provides a supplemental permitting process for the issuance of a conceptual joint coastal permit pursuant to s. 161.055 or environmental resource permit pursuant to part IV of chapter 373, to a port listed in s. 311.09(1), for dredging and the management of materials from dredging and for other related activities necessary for development, including the expansion of navigation channels, port harbors, turning basins, harbor berths, and associated facilities. Such permit shall be issued for a period of up to 15 years.The department is authorized to adopt rules to implement this subsection.

(39) Enter into a memorandum of agreement with the Florida Inland Navigation District and the West Coast Inland Navigation District, or their successor agencies, to provide a supplemental process for issuance of joint

coastal permits pursuant to s. 161.055 or environmental resource permits pursuant to part IV of chapter 373 for regional waterway management activities, including, but not limited to, maintenance dredging, spoil disposal, public recreation, inlet management, beach nourishment, and environmental protection directly related to public navigation and the construction, maintenance, and operation of Florida's inland waterways. The department is authorized to adopt rules to implement this subsection.

Section 2. Subsection (14) is added to section 403.707, Florida Statutes, to read:

403.707 Permits.—

(14) Before or on the same day of filing with the department of an application for a permit to construct or substantially modify a solid waste management facility, the applicant shall notify the local government having jurisdiction over the facility of the filing of the application. The applicant also shall publish notice of the filing of the application in a newspaper of general circulation in the area where the facility will be located. Notice shall be given and published in accordance with applicable department rules. The department shall not issue the requested permit until the applicant has provided the department with proof that the notices required by this subsection have been given. Issuance of a permit does not relieve an applicant from compliance with local zoning or land use ordinances, or with any other law, rules, or ordinances.

Section 3. Section 403.71851, Florida Statutes, is amended to read:

403.71851 Electronic recycling ~~Lead-containing materials grants.~~—The Department of Environmental Protection is authorized to use funds from the Solid Waste Management Trust Fund as grants to Florida-based businesses with 5 or more years' experience in electronics recycling that recycle electronics such as commercial telephone switching equipment, computers, televisions, lead-acid batteries and other lead-containing materials, including products such as televisions and computer monitors and other products that utilize lead-containing cathode ray tubes. This incentive funding shall ~~may~~ be used for demonstration projects with one or more counties for countywide comprehensive electronics recycling where that term means recycling that provides service to the private sector, nonprofit organizations, governmental agencies and the residential sector. This funding may also be used for grants to counties to develop methods to collect and transport electronics to be recycled provided such methods are comprehensive in nature research and development in methods to recover and recycle lead from the environment; for innovative technologies and equipment to process and recycle lead-containing materials; and for establishing an infrastructure to collect and transport lead-containing material to Florida-based recycling businesses.

Section 4. The Department of Environmental Protection shall conduct a comprehensive review of the waste reduction and recycling goals set out in part IV of chapter 403, Florida Statutes, and other legislative requirements in view of reduced available funding for these purposes. The review shall include, but is not limited to, the appropriateness of maintaining, extending, or revising the goals; the effectiveness of current programs for meeting the

goals; the role of Keep Florida Beautiful, Inc.; the need to continue those programs; alternative techniques for improving those programs; alternative strategies for meeting the needs of the programs; and any other issues related to resource recovery and management. The department shall consult with persons knowledgeable about recycling and waste reduction, including, but not limited to, representatives of local government, the private recycling industry, and the private waste management industry. The department shall issue its report, recommendations, and proposed legislative changes to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 31, 2001.

Section 5. This act shall take effect July 1, 2001.

Approved by the Governor June 13, 2001.

Filed in Office Secretary of State June 13, 2001.