

CHAPTER 2022-95

Committee Substitute for Senate Bill No. 1110

An act relating to grease waste removal and disposal; creating s. 403.0741, F.S.; defining terms; requiring grease waste haulers to dispose of grease waste at disposal facilities; prohibiting grease waste haulers from returning grease waste and graywater to grease interceptors and traps and from disposing of grease waste at locations other than disposal facilities; requiring haulers to document grease waste removal and disposal with service manifests; providing requirements for the service manifests; requiring inspecting entities to verify certain contracts and service manifests; requiring the Department of Environmental Protection to periodically inspect service manifests; providing penalties; authorizing local governments to regulate grease waste removal and disposal; providing construction; authorizing certain counties to opt out of specified requirements; requiring the department to adopt rules; providing an effective date.

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

Section 1. Section 403.0741, Florida Statutes, is created to read:

403.0741 Grease waste removal and disposal.—

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

(a) “Disposal facility” means a permitted or certified waste management facility that is authorized to receive grease waste.

(b) “Graywater” means kitchen sink wastewater.

(c) “Grease interceptor or grease trap” means a receptacle through which wastewater containing fats, oils, or grease flows before entering a drainage system and which is designed to trap or intercept the fats, oils, or grease while allowing clear water to escape. The term does not include receptacles designed specifically for collecting used cooking oil or fats and bones.

(d) “Grease waste” means liquid or solid material composed primarily of fatty substances, oils, and grease from animal or vegetable sources which is retained in a grease interceptor or grease trap.

(e) “Hauler” means a person who removes and disposes of grease waste.

(f) “Originator” means a food service establishment that processes, prepares, or serves food or beverages for consumption by the public, including, but not limited to, restaurants, commercial kitchens, cafeterias, hotels, school kitchens, hospitals, prisons, correctional facilities, and care institutions.

(g) “Service manifest” means an electronic or hard copy recordkeeping system used for the collection and disposal of grease waste pursuant to this section. The service manifest must consist of an originator section, a hauler section, and a disposal facility section and must contain, at a minimum, the following information:

1. The name, address, and telephone number of the originator.
2. The name, address, and telephone number of the hauler.
3. The name, address, and telephone number of the disposal facility.
4. The condition of the originator’s grease interceptor or grease trap and verification that the grease interceptor or grease trap was cleaned by the hauler and that graywater was not returned to the grease interceptor or grease trap.
5. The amount of grease waste removed from the originator’s grease interceptor or grease trap.
6. The amount of grease waste disposed of at the disposal facility.
7. The billing receipt or ticket number provided to the hauler by the disposal facility.

(2) DISPOSAL OF GREASE WASTE.—

(a) A hauler who removes grease waste from a grease interceptor or grease trap must dispose of the grease waste at a disposal facility.

(b) A hauler may not:

1. Return grease waste or graywater to a grease interceptor or grease trap; or
2. Dispose of grease waste in any location other than a disposal facility.

(3) GREASE WASTE SERVICE MANIFEST.—

(a) A hauler must document the removal and disposal of grease waste with a service manifest.

(b) Upon completion of grease waste removal during the originator’s hours of operation, the originator and the hauler must sign the service manifest, verifying that the information contained in the service manifest is accurate. The hauler must provide a copy of the signed service manifest to the originator. If the grease waste removal occurs when the originator is closed or before or after the originator’s hours of operation, the hauler must sign the service manifest, verifying that the information contained in the service manifest is accurate, and leave a signed copy of the service manifest on the premises in a location designated by the originator or make the service manifest available to the originator electronically.

(c) Upon completion of grease waste disposal, the disposal facility operator and the hauler must sign the service manifest, verifying that the information contained in the service manifest is accurate.

(d) The hauler must provide the originator and the county and municipality in which the originator is located with a copy of the completed service manifest showing the signatures of the originator if signed pursuant to paragraph (b), the hauler, and the disposal facility operator within 30 days after the date of the disposal.

(e) A copy of the signed completed service manifest must be retained onsite by the originator and the hauler for 1 year.

(4) COMPLIANCE INSPECTIONS.—

(a) An inspecting entity must verify that an originator has a contract with a hauler for grease waste removal and that grease waste removal and disposal are documented pursuant to this section.

(b) The department shall periodically inspect the service manifests retained by a hauler to ensure compliance with this section.

(5) PENALTIES.—

(a) A hauler who violates this section is subject to the following penalties:

1. For each failure to provide or retain a service manifest, an administrative fine not to exceed \$100.

2. For each failure to clean a grease interceptor or grease trap, an administrative fine not to exceed \$250. The department shall authorize an inspecting entity to impose this penalty as part of a grease interceptor or grease trap inspection.

3. For an unlawful disposal of grease waste, an administrative fine of at least \$2,500.

4. For a second or subsequent unlawful disposal of grease waste, an administrative fine of at least \$5,000.

(b) For a violation of subparagraph (a)3., the penalty must include a license suspension of at least 30 days.

(c) For a second or subsequent violation of subparagraph (a)3., the penalty must include a license revocation of at least 12 months.

(6) REGULATION BY LOCAL GOVERNMENTS.—

(a) A local government may:

1. Receive copies of service manifests from haulers.

2. Receive reports of violations.

3. Collect and retain fines for service manifest violations.

4. Impose license actions.

(b) This section does not prohibit a local government from adopting or enforcing an ordinance or rule to regulate the removal and disposal of grease waste which is stricter or more extensive than this section.

(c) Fiscally constrained counties as described in s. 218.67(1) and small counties as defined in s. 339.2818(2) may opt out of the requirements of this section.

(7) RULES.—The department shall adopt rules to implement this section.

Section 2. This act shall take effect July 1, 2022.

Approved by the Governor May 6, 2022.

Filed in Office Secretary of State May 6, 2022.