

1 A bill to be entitled

2 An act relating to the management of storm-generated
3 debris and solid waste; amending s. 403.703, F.S.;
4 revising the definition of "recovered materials" to
5 include certain wood, asphalt, and concrete materials;
6 amending s. 403.7071, F.S.; requiring local
7 governments to suspend exclusive contracts for the
8 collection, hauling, staging, or disposal of storm-
9 generated debris and solid waste under certain
10 conditions; prohibiting local governments from
11 entering into and extending such contracts after a
12 specified date; providing applicability; providing an
13 effective date.

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

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17 Section 1. Subsection (28) of section 403.703, Florida
18 Statutes, is amended to read:

19 403.703 Definitions.—As used in this part, the term:

20 (28) "Recovered materials" means metal, paper, glass,
21 plastic, textile, ~~or~~ wood, asphalt, or concrete
22 materials that have known recycling potential, can be feasibly
23 recycled, and have been diverted and source separated or have
24 been removed from the solid waste stream for sale, use, or reuse
25 as raw materials, whether or not the materials require

26 subsequent processing or separation from each other, but the
27 term does not include materials destined for any use that
28 constitutes disposal. Recovered materials as described in this
29 subsection are not solid waste.

30 Section 2. Section 403.7071, Florida Statutes, is amended
31 to read:

32 403.7071 Management of storm-generated debris.—Solid waste
33 generated as a result of a storm event that is the subject of an
34 executive order or proclamation of the Governor or an emergency
35 order issued by the department may be managed as follows:

36 (1) Recycling and reuse of storm-generated vegetative
37 debris is encouraged to the greatest extent practicable. Such
38 recycling and reuse must be conducted in accordance with
39 applicable department rules and may include, but is not limited
40 to, chipping and grinding of the vegetative debris to be
41 beneficially used as a ground cover or soil amendment, compost,
42 or as a combustible fuel for any applicable commercial or
43 industrial application.

44 (2) The department may issue field authorizations for
45 staging areas in those counties affected by a storm event. Such
46 staging areas may be used for the temporary storage and
47 management of storm-generated debris, including the chipping,
48 grinding, or burning of vegetative debris. Field authorizations
49 may include specific conditions for the operation and closure of
50 the staging area and must specify the date that closure is

51 required. To the greatest extent possible, staging areas may not
52 be located in wetlands or other surface waters. The area that is
53 used or affected by a staging area must be fully restored upon
54 cessation of the use of the area.

55 (3) Storm-generated vegetative debris managed at a staging
56 area may be disposed of in a permitted lined or unlined
57 landfill, a permitted land clearing debris facility, a permitted
58 or certified waste-to-energy facility, or a permitted
59 construction and demolition debris disposal facility. Vegetative
60 debris may also be managed at a permitted waste processing
61 facility or a registered yard trash processing facility.

62 (4) Construction and demolition debris that is mixed with
63 other storm-generated debris need not be segregated from other
64 solid waste before disposal in a lined landfill. Construction
65 and demolition debris that is source separated or is separated
66 from other hurricane-generated debris at an authorized staging
67 area, or at another area permitted or specifically authorized by
68 the department, may be managed at a permitted construction and
69 demolition debris disposal facility, a Class III landfill, or a
70 recycling facility upon approval by the department of the
71 methods and operational practices used to inspect the waste
72 during segregation.

73 (5) Unsalvageable refrigerators and freezers containing
74 solid waste, such as rotting food, which may create a sanitary
75 nuisance may be disposed of in a permitted lined landfill;

76 | however, chlorofluorocarbons and capacitors must be removed and
77 | recycled to the greatest extent practicable.

78 | (6) A local government or its agent ~~Local governments or~~
79 | ~~their agents~~ may conduct the burning of storm-generated yard
80 | trash, other storm-generated vegetative debris, or untreated
81 | wood from construction and demolition debris in air-curtain
82 | incinerators without prior notice to the department. Within 10
83 | days after commencing such burning, the local government shall
84 | notify the department in writing describing the general nature
85 | of the materials burned; the location and method of burning; and
86 | the name, address, and telephone number of the representative of
87 | the local government to contact concerning the work. The
88 | operator of the air-curtain incinerator is subject to any
89 | requirement of the Florida Forest Service or of any other agency
90 | concerning authorization to conduct open burning. Any person
91 | conducting open burning of vegetative debris is also subject to
92 | such requirements.

93 | (7) A local government shall suspend any exclusive
94 | contracts for the collection, hauling, staging, or disposal of
95 | storm-generated debris or commercial or residential solid waste
96 | if the local government reasonably determines that the
97 | contractor will not be able to provide the contracted level of
98 | service or that the contracted level of service is expected to
99 | be insufficient to meet the needs of the local government. After
100 | March 1, 2018, a local government may not enter into a new

101 exclusive contract or extend an existing exclusive contract for
102 the collection, hauling, staging, or disposal of storm-generated
103 debris. This subsection does not impair, void, or cause the
104 modification of any contract entered into on or before March 1,
105 2018, between a local government and an exclusive contractor or
106 franchisee.

107 Section 3. This act shall take effect July 1, 2018.