(2) The Legislature declares it to be in the public interest to find alternative ways to use certain recyclable materials that currently are part of the solid waste stream and that contribute to problems of declining space in landfills. To determine the feasibility of using certain recyclable materials for paving materials, the department may undertake demonstration projects using all of the following materials in road construction:

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

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

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

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

(e) Glass and glass aggregates.

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

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

337.02611 Phosphogypsum as a construction aggregate material; study.
(1) The department shall conduct a study to evaluate the suitability of using phosphogypsum as a construction aggregate material as defined in s. 337.0261(1). The department may consider any prior or ongoing studies of phosphogypsum’s road suitability in the fulfillment of this duty. The study and a determination of suitability must be completed by April 1, 2024.

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

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

403.7045 Application of act and integration with other acts.—

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

(f) Industrial byproducts, if:

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

2. The industrial byproducts are not discharged, deposited, injected, dumped, spilled, leaked, or placed upon any land or water so that such industrial byproducts, or any constituent thereof, may enter other lands or be emitted into the air or discharged into any waters, including groundwaters,