

By Senator Diaz de la Portilla

33-1357-00

1 A bill to be entitled
2 An act relating to resource recovery; amending
3 s. 403.703, F.S.; defining the term "recovered
4 construction and demolition materials";
5 creating s. 403.7047, F.S.; providing for the
6 regulation of recovered construction and
7 demolition materials; providing an effective
8 date.

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

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12 Section 1. Subsection (7) of section 403.703, Florida
13 Statutes, is amended to read:

14 403.703 Definitions.--As used in this act, unless the
15 context clearly indicates otherwise, the term:

16 (7)(a) "Recovered materials" means metal, paper,
17 glass, plastic, textile, or rubber materials that have known
18 recycling potential, can be feasibly recycled, and have been
19 diverted and source separated or have been removed from the
20 solid waste stream for sale, use, or reuse as raw materials,
21 whether or not the materials require subsequent processing or
22 separation from each other, but does not include materials
23 destined for any use that constitutes disposal. Recovered
24 materials as described above are not solid waste.

25 (b) "Recovered construction and demolition materials"
26 means materials generated from activity conducted under a
27 building or demolition permit which are capable of being
28 feasibly recycled or beneficially reused. The term includes
29 plastics, paper, glass, cardboard, textiles, metals, rubber,
30 clean untreated wood, masonry products, paving materials,
31 bricks, rocks, and concrete. The term does not require that

1 various types of materials be separated from each other and
2 recognizes that solid waste may be included in the term. The
3 Department of Environmental Protection may adopt by rule
4 additional material types that may be feasibly recycled or
5 beneficially reused when new markets or technologies are
6 developed. Materials that would otherwise meet the definition
7 of recovered materials as defined in paragraph (a) and are
8 handled by a certified recovered materials dealer are excluded
9 from this term.

10 Section 2. Section 403.7047, Florida Statutes, is
11 created to read:

12 403.7047 Regulation of recovered construction and
13 demolition materials.--

14 (1) A local government may not enact any ordinance or
15 enter into any contract that prevents the holder of a building
16 or demolition permit from entering into a contract to have
17 recovered construction and demolition materials collected,
18 transported, processed, or received if the materials are
19 delivered to a permitted Material Recovery Facility that
20 accepts these materials.

21 (2) A local government may not require that various
22 types of recovered construction and demolition materials be
23 separated from each other at the permitted building or
24 demolition site.

25 (3) In order to be classified as recovered
26 construction and demolition materials, the material must be
27 delivered to a Department of Environmental Protection
28 permitted Material Recovery Facility that is permitted to
29 accept these materials and where the recovery construction and
30 demolition materials will be recovered in accordance with the
31 terms and conditions of the permit and where the majority of

1 the recovered construction and demolition materials at the
2 facility is demonstrated to be sold, used, or reused within 1
3 year.

4 (4) Any local government ordinance relating to
5 recovered construction and demolition materials collection,
6 processing, or recovery must comply with this section. Any
7 local government currently permitting and licensing the
8 exclusive collection, processing, or recycling of recovered
9 construction and demolition materials will have 90 days from
10 the effective date of this section to comply with this
11 section.

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

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16 SENATE SUMMARY

17 Defines and provides for the regulation of recovered
18 construction and demolition materials.
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