

By Senator Hargrett

21-437-00

See HB 361

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A bill to be entitled
An act relating to regulation of recovered materials; amending s. 403.7046, F.S.; revising the local government registration fee for recovered materials dealers; revising local government authority with respect to certain contracts between recovered materials dealers and local commercial establishments that generate source-separated materials; providing an effective date.

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

Section 1. Paragraphs (b) and (d) of subsection (3) of section 403.7046, Florida Statutes, are amended to read:

403.7046 Regulation of recovered materials.--

(3) Except as otherwise provided in this section or pursuant to a special act in effect on or before January 1, 1993, a local government may not require a commercial establishment that generates source-separated recovered materials to sell or otherwise convey its recovered materials to the local government or to a facility designated by the local government, nor may the local government restrict such a generator's right to sell or otherwise convey such recovered materials to any properly certified recovered materials dealer who has satisfied the requirements of this section. A local government may not enact any ordinance that prevents such a dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or receive source-separated recovered materials.

1 (b) Prior to engaging in business within the
2 jurisdiction of the local government, a recovered materials
3 dealer must provide the local government with a copy of the
4 certification provided for in this section. In addition, the
5 local government may establish a registration process whereby
6 a recovered materials dealer must register with the local
7 government prior to engaging in business within the
8 jurisdiction of the local government. Such registration
9 process is limited to requiring the dealer to register its
10 name, including the owner or operator of the dealer, and, if
11 the dealer is a business entity, its general or limited
12 partners, its corporate officers and directors, its permanent
13 place of business, evidence of its certification under this
14 section, and a certification that the recovered materials will
15 be processed at a recovered materials processing facility
16 satisfying the requirements of this section. All counties, and
17 municipalities whose population exceeds 35,000 according to
18 the population estimates determined pursuant to s. 186.901,
19 may establish a reporting process which shall be limited to
20 the regulations, reporting format, and reporting frequency
21 established by the department pursuant to this section, which
22 shall, at a minimum, include requiring the dealer to identify
23 the types and approximate amount of recovered materials
24 collected, recycled, or reused during the reporting period;
25 the approximate percentage of recovered materials reused,
26 stored, or delivered to a recovered materials processing
27 facility or disposed of in a solid waste disposal facility;
28 and the locations where any recovered materials were disposed
29 of as solid waste. Information reported under this subsection
30 which, if disclosed, would reveal a trade secret, as defined
31 in s. 812.081(1)(c), is confidential and exempt from the

1 provisions of s. 24(a), Art. I of the State Constitution and
2 s. 119.07(1). The local government may charge the dealer a
3 registration fee ~~commensurate with and no greater than the~~
4 ~~cost incurred by the local government in operating its~~
5 ~~registration program.~~ Such fee may not exceed the amount of
6 the registration fee authorized in subsection (1). Any
7 reporting or registration process established by a local
8 government with regard to recovered materials shall be
9 governed by the provisions of this section and department
10 rules promulgated pursuant thereto.

11 (d) In addition to any other authority provided by
12 law, a local government is hereby expressly authorized to
13 prohibit a person or entity not certified under this section
14 from doing business within the jurisdiction of the local
15 government; to enter into a nonexclusive franchise or to
16 otherwise provide for the collection, transportation, and
17 processing of recovered materials at commercial
18 establishments, provided that a local government may not
19 require a certified recovered materials dealer to enter into
20 such franchise agreement in order to enter into a contract
21 with any commercial establishment located within the local
22 government's jurisdiction ~~such franchise or provision does not~~
23 ~~prohibit a certified recovered materials dealer from entering~~
24 ~~into a contract with a commercial establishment to purchase,~~
25 ~~collect, transport, process, or receive source-separated~~
26 ~~recovered materials; and to enter into an exclusive franchise~~
27 ~~or to otherwise provide for the exclusive collection,~~
28 ~~transportation, and processing of recovered materials at~~
29 ~~single-family or multifamily residential properties.~~

30 Section 2. This act shall take effect upon becoming a
31 law.

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HOUSE SUMMARY

Limits the local government registration fee for a recovered materials dealer to the amount of the Department of Environmental Protection's authorized registration fee, rather than an amount commensurate with the costs of the local government's registration program. Prohibits local governments from requiring such a dealer to enter into a nonexclusive franchise agreement in order to enter into a contract with a local commercial establishment that generates source-separated materials. Removes current law which provides that such contracts are not prohibited by a local government franchise agreement with a commercial establishment.