

By Senator Lawson

3-942-01

1 A bill to be entitled
2 An act relating to resource recovery; amending
3 s. 403.703, F.S.; defining the term
4 "recoverable construction and demolition
5 materials"; amending s. 403.704, F.S.;
6 providing standards for classification of
7 materials as recoverable construction and
8 demolition materials; providing restrictions on
9 local government regulation; providing an
10 effective date.

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

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14 Section 1. Subsection (45) is added to section
15 403.703, Florida Statutes, to read:

16 403.703 Definitions.--As used in this act, unless the
17 context clearly indicates otherwise, the term:

18 (45) "Recoverable construction and demolition
19 materials" means materials generated from activity conducted
20 under a building or demolition permit which are capable of
21 being feasibly recycled or beneficially reused. The term
22 includes wood, masonry products, paving materials, bricks,
23 rocks, concrete, and other construction and demolition
24 material designated by department rule. The term does not
25 require that various types of recoverable construction and
26 demolition materials be separated from each other and
27 recognizes that a minimum amount of solid waste composed of no
28 more than 10 percent by weight of the total may be included in
29 the recoverable and construction and demolition materials. The
30 department may adopt by rule additional material types that

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1 may feasibly be recycled or beneficially reused when new
2 markets or technologies are developed.

3 Section 2. Subsection (7) of section 403.704, Florida
4 Statutes, is amended to read:

5 403.704 Powers and duties of the department.--The
6 department shall have responsibility for the implementation
7 and enforcement of the provisions of this act. In addition to
8 other powers and duties, the department shall:

9 (7)(a) Assist in and encourage, as much as possible,
10 the development within the state of industries and commercial
11 enterprises that ~~which~~ are based upon resource recovery,
12 recycling, and reuse of solid waste.

13 (b) A local government may not enact any ordinance or
14 enter into any contract that prevents the holder of a building
15 or demolition permit from entering into a contract to have
16 recoverable construction and demolition materials collected,
17 transported, processed, or received if they are delivered to a
18 materials recovery facility or waste processing facility
19 permitted to accept those materials.

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

24 (d) In order to be classified as recoverable
25 construction and demolition materials, the material must be
26 ultimately delivered to a department-permitted materials
27 recovery facility or waste processing facility that reports
28 volumes to the department by use of weight scales. The
29 facility must demonstrate that the recoverable construction
30 and demolition materials are recovered in accordance with the
31 terms and conditions of the permit and that more than 50

1 percent of the recoverable materials are sold, used, or reused
2 within 1 year after delivery to the facility.

3 (e) Any local government ordinance relating to
4 recoverable construction and demolition materials collection,
5 processing, or recovery must comply with this section. Any
6 local government currently permitting and licensing the
7 exclusive collection, processing, or recycling of recoverable
8 construction and demolition materials must comply with this
9 section when it takes effect.

10 Section 3. This act shall take effect July 1, 2001.

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12 SENATE SUMMARY

13 Provides standards for the classification of materials as
14 recoverable construction and demolition materials.
15 Requires local governments to conform to state standards.