

By Senator Lawson

6-633-03

1 A bill to be entitled
2 An act relating to resource recovery and
3 management; amending s. 403.703, F.S.; defining
4 the term "recovered construction and demolition
5 materials" for purposes of resource recovery
6 and management; creating s. 403.7047, F.S.;
7 providing for certification of facilities that
8 handle recovered construction and demolition
9 materials; prohibiting local governments from
10 adopting certain ordinances with respect to
11 such facilities and materials; providing for a
12 registration process; authorizing rules;
13 amending s. 403.707, F.S.; requiring facilities
14 at which recovered construction and demolition
15 materials are handled to use scales meeting
16 certain criteria; requiring such facilities to
17 keep records of materials recycled or reused
18 and of materials not recycled or reused;
19 providing an effective date.

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

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23 Section 1. Present subsections (8) through (44) of
24 section 403.703, Florida Statutes, are renumbered as
25 subsections (9) through (45), respectively, and a new
26 subsection (8) is added to that section, to read:

27 403.703 Definitions.--As used in this act, unless the
28 context clearly indicates otherwise, the term:

29 (8) "Recovered construction and demolition materials"
30 means materials generated from activity conducted pursuant to
31 a building or demolition permit which are capable of being

1 feasibly recycled of beneficially reused. The term includes
2 plastics, paper, glass, cardboard, textiles, metals, rubber,
3 wood, masonry products, roofing materials, paving materials,
4 bricks, rocks, dirt, soil, and concrete. The term does not
5 require that various types of materials be separated from each
6 other and recognizes that some amounts of solid waste, in
7 accordance with industry standards, may be included in the
8 materials. The department may designate by rule additional
9 material types that may be feasibly recycled or beneficially
10 reused. Materials described in this subsection are not solid
11 waste if they are not destined for disposal. Materials that
12 would otherwise met the definition of recovered materials in
13 subsection (7) and that are handled by a certified recovered
14 materials dealer are excluded from this definition.

15 Section 2. Section 403.7047, Florida Statutes, is
16 created to read:

17 403.7047 Regulation of recovered construction and
18 demolition materials.--

19 (1) The department shall certify a materials recovery
20 facility pursuant to this section if the applicant
21 demonstrates that the facility meets all applicable permitting
22 requirements, including the requirements for scales in s.
23 403.707(12)(k), and further demonstrates that the majority of
24 the recovered construction and demolition materials at the
25 facility has been or will be sold, used, or reused within 1
26 year. The department may adopt rules to implement this
27 subsection, but shall not delay processing of applications for
28 certification pending the adoption of these rules.

29 (2) A local government may not enact any ordinance or
30 enter into any contract that prevents the holder of a building
31 or demolition permit from entering into a contract to have

1 recovered construction and demolition materials collected,
2 transported, processed, or received if the materials are or
3 will be delivered to a materials recovery facility that has
4 been certified by the department under this section.

5 (3) A local government may not enact any ordinance
6 that prevents a properly permitted materials recovery facility
7 that is certified under this section from accepting
8 construction and demolition debris from the holder of a
9 building or demolition permit, or from a transporter
10 collecting the material from the holder of a building or
11 demolition permit provided that the majority of the recovered
12 construction and demolition materials at the facility is
13 demonstrated to be sold, used, or reused within 1 year.

14 (4) A local government may not require that various
15 types of recovered construction and demolition materials be
16 separated from each other at the permitted building or
17 demolition site.

18 (5) A local government may establish a registration
19 process whereby persons handling recovered construction and
20 demolition materials must register with the local government
21 before engaging in business within the jurisdiction of the
22 local government. The local government also may establish a
23 reporting process consistent with that established by the
24 department pursuant to this section or s. 403.707. The local
25 government may charge a registration fee commensurate with and
26 no greater than the cost incurred by the local government in
27 operating its registration program. The local government may
28 enter into a nonexclusive franchise for the collection,
29 transportation, and processing of recovered construction and
30 demolition materials, but may not require any materials
31 recovery facility certified under this section to enter into

1 such franchise agreement in order to enter into a contract
2 with any establishment located within the local government's
3 jurisdiction to purchase, collect, transport, process, or
4 receive recovered construction and demolition materials. The
5 local government may impose a franchise fee for the collection
6 of recovered construction and demolition materials, provided
7 that the fee is expressed as a rate (i.e., is expressed as a
8 percentage of revenue derived from the collection of such
9 materials) and provided that such rate is no greater than that
10 imposed by the local government on solid waste collected
11 within the local government's jurisdiction.

12 (6) Nothing in this section prohibits a local
13 government from enacting ordinances designed to protect the
14 public's general health, safety, and welfare.

15 (7) Any local government ordinance relating to
16 recovered construction and demolition materials collection,
17 processing, or recovery must comply with this section. Any
18 local government currently permitting and licensing the
19 exclusive collection, processing, or recycling of recovered
20 construction and demolition materials must comply with this
21 section within 90 days after the effective date of this act.

22 (8) This subsection does not apply to a
23 recovered-materials processing facility. This subsection does
24 not alter or otherwise affect the list of recovered materials
25 set forth in s. 403.703(7) or the regulation of recovered
26 materials as provided in s. 403.7046.

27 Section 3. Present paragraph (k) of subsection (12) of
28 section 403.707, Florida Statutes, is redesignated as
29 paragraph (l), and a new paragraph (k) is added to that
30 subsection, to read:

31 403.707 Permits.--

1 (12) The department shall establish a separate
2 category for solid waste management facilities which accept
3 only construction and demolition debris for disposal or
4 recycling. The department shall establish a reasonable
5 schedule for existing facilities to comply with this section
6 to avoid undue hardship to such facilities. However, a
7 permitted solid waste disposal unit which receives a
8 significant amount of waste prior to the compliance deadline
9 established in this schedule shall not be required to be
10 retrofitted with liners or leachate control systems.
11 Facilities accepting materials defined in s. 403.703(17)(b)
12 must implement a groundwater monitoring system adequate to
13 detect contaminants that may reasonably be expected to result
14 from such disposal prior to the acceptance of those materials.

15 (k)1. Any materials-recovery facility for which a
16 permit is required, and any other facility designated by
17 department rule at which a significant amount of construction
18 and demolition debris is sorted, recovered, recycled, or
19 processed for use or reuse, shall use scales that conform with
20 the requirements of chapter 531 and any rules adopted under
21 that chapter. All such facilities shall keep monthly records
22 of the following information: the total weight of materials
23 recovered, recycled, or reused, recorded by category; and the
24 total weight of materials not recovered, recycled, or reused.

25 2. The department shall implement the requirements of
26 this paragraph by rule, and such requirements shall become
27 effective only after the implementing rules become effective.
28 The department shall establish a reasonable schedule for
29 existing facilities to comply with this paragraph to avoid
30 undue hardship to such facilities. Such rules must designate
31 the types of facilities and the categories of materials for

1 which records must be kept pursuant to this paragraph and must
2 specify requirements relating to reporting such information to
3 the department.

4 3. The designated facilities shall keep detailed
5 records, including the name and location of the solid waste
6 disposal facility at which material not recovered, recycled,
7 or reused is ultimately disposed of. The implementing rules
8 must specify the requirements for reporting this information
9 to the department.

10 Section 4. This act shall take effect upon becoming a
11 law.

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14 SENATE SUMMARY

15 Requires certification, by the Department of
16 Environmental Protection, for facilities at which
17 recovered construction and demolition materials, as
18 defined, are handled for recycling, reuse, or other
19 processing. Prohibits local governments from adopting
20 ordinances or entering contracts that interfere with
21 receipt of such materials by such facilities after they
22 have received such certification or that require certain
23 processing of such materials. Allows local governments to
24 institute a registration process and to impose a
25 franchise fee as long as the fee meets specified
26 requirements. Requires facilities handling recovered
27 construction and demolition materials to use scales
28 complying with state law and requires records to be kept
29 of materials recovered, recycled, or reused and those
30 which are not.
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