

By Senator Lawson

6-1325-04

See HB 1137

1 A bill to be entitled

2 An act relating to waste management; creating

3 s. 403.7047, F.S.; providing for regulation of

4 recovered construction and demolition

5 materials; providing for annual certification

6 by the Department of Environmental Protection

7 of an owner or operator of a materials recovery

8 facility; providing criteria for certification;

9 providing for rules; providing for fees;

10 prohibiting local governments from enacting

11 ordinances or entering into contracts that

12 prevent certain materials from being delivered

13 to a certified materials recovery facility;

14 providing an exception; authorizing local

15 governments to require source separation under

16 certain circumstances; authorizing local

17 governments to establish a registration and

18 reporting process relating to the handling of

19 construction and demolition materials;

20 providing conditions for franchise agreements

21 and fees; providing a definition; requiring

22 compliance with the provisions of s. 403.7047,

23 F.S., by a date certain; providing an effective

24 date.

25

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

27

28 Section 1. Section 403.7047, Florida Statutes, is

29 created to read:

30 403.7047 Regulation of recovered construction and

31 demolition materials.--

1 (1) Any owner or operator of a materials recovery
2 facility that accepts construction and demolition debris for
3 processing may annually apply for certification with the
4 department pursuant to this section. The department shall
5 certify such a facility if the applicant demonstrates that the
6 facility meets all applicable permitting requirements, that it
7 weighs all incoming waste using scales that conform to the
8 requirements of chapter 531 and any rules adopted under that
9 chapter, and that at least an appropriate percentage of the
10 construction and demolition materials accepted at the facility
11 has been or will be sold, used, or reused within 1 year. The
12 department may adopt rules to implement this subsection, which
13 may include registration fees and reporting requirements
14 necessary to demonstrate compliance, but shall not delay
15 processing of applications for certification pending the
16 adoption of these rules. Until such rules are adopted,
17 "appropriate percentage" means 50 percent; however, the
18 department may by rule establish a different percentage or may
19 establish different percentages based upon the types of waste
20 accepted at a facility.

21 (2) A local government may not enact any ordinance or
22 enter into any contract that prevents the holder of a building
23 permit or a demolition permit from entering into a contract to
24 have construction and demolition debris collected,
25 transported, processed, or received if the materials are or
26 will be delivered to a materials recovery facility that is
27 certified under this section.

28 (3) Except as may be authorized by subsection (6), a
29 local government may not enact any ordinance that prevents a
30 materials recovery facility that is certified under this
31 section from accepting construction and demolition debris from

1 the holder of a building permit or a demolition permit, or
2 from a transporter collecting the material from the holder of
3 a building permit or a demolition permit.

4 (4) A local government may require that various types
5 of recovered construction and demolition materials be
6 separated from each other at the permitted building or
7 demolition site only after it has determined that source
8 separation at the permitted building or demolition site is
9 cost-effective when compared to other collection and recycling
10 methods.

11 (5) A local government may establish a registration
12 process whereby persons handling construction and demolition
13 materials must register with the local government before
14 engaging in business within the jurisdiction of the local
15 government. The local government may establish a reporting
16 process consistent with that established by the department
17 pursuant to this section or s. 403.707. The local government
18 may charge a registration fee commensurate with and no greater
19 than the cost incurred by the local government in operating
20 its registration program. The local government may enter into
21 a nonexclusive franchise for the collection, transportation,
22 and processing of construction and demolition materials. A
23 local government may not require any person to enter into a
24 franchise agreement in order to purchase, collect, transport,
25 process, or receive construction and demolition materials if
26 such materials are or will be delivered to a materials
27 recovery facility certified under this section. The local
28 government may impose a franchise fee for the collection of
29 construction and demolition materials, provided that the fee
30 is expressed as a rate and provided that such rate is no
31 greater than that imposed by the local government on other

1 solid waste collected within the local government's
2 jurisdiction. For the purpose of this section, "rate" means a
3 percentage of revenue derived from the collection of such
4 materials.

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

8 (7) A local government may not adopt any ordinance
9 relating to construction and demolition materials collection,
10 processing, or recovery that does not comply with this
11 section. Any ordinance in effect on the effective date of this
12 act which does not comply with this section must be amended to
13 comply with this section within 90 days after the effective
14 date of this act. Any contract in effect on the effective date
15 of this act which does not comply with this section must be
16 amended to comply with this section upon renewal.

17 Section 2. This act shall take effect upon becoming a
18 law.

19
20
21
22
23
24
25
26
27
28
29
30
31