

1                   A bill to be entitled  
 2           An act relating to construction and demolition debris  
 3           recycling; amending s. 403.703, F.S.; revising the  
 4           definition of "recovered materials" to include wood and  
 5           concrete; amending s. 403.7046, F.S.; providing for  
 6           construction and demolition debris to be considered  
 7           recovered material under certain circumstances; providing  
 8           for certain persons to be considered certified recovered  
 9           materials dealers; providing an effective date.

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

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

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

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

26           Section 2. Subsection (3) of section 403.7046, Florida  
 27 Statutes, is amended to read:

28           403.7046 Regulation of recovered materials.--

29           (3) Except as otherwise provided in this section or  
30 pursuant to a special act in effect on or before January 1,  
31 1993, a local government may not require a commercial  
32 establishment that generates source-separated recovered  
33 materials to sell or otherwise convey its recovered materials to  
34 the local government or to a facility designated by the local  
35 government, nor may the local government restrict such a  
36 generator's right to sell or otherwise convey such recovered  
37 materials to any properly certified recovered materials dealer  
38 who has satisfied the requirements of this section. A local  
39 government may not enact any ordinance that prevents such a  
40 dealer from entering into a contract with a commercial  
41 establishment to purchase, collect, transport, process, or  
42 receive source-separated recovered materials.

43           (a) The local government may require that the recovered  
44 materials generated at the commercial establishment be source  
45 separated at the premises of the commercial establishment.

46           (b) Prior to engaging in business within the jurisdiction  
47 of the local government, a recovered materials dealer must  
48 provide the local government with a copy of the certification  
49 provided for in this section. In addition, the local government  
50 may establish a registration process whereby a recovered  
51 materials dealer must register with the local government prior  
52 to engaging in business within the jurisdiction of the local  
53 government. Such registration process is limited to requiring  
54 the dealer to register its name, including the owner or operator  
55 of the dealer, and, if the dealer is a business entity, its  
56 general or limited partners, its corporate officers and

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57 | directors, its permanent place of business, evidence of its  
58 | certification under this section, and a certification that the  
59 | recovered materials will be processed at a recovered materials  
60 | processing facility satisfying the requirements of this section.  
61 | All counties, and municipalities whose population exceeds 35,000  
62 | according to the population estimates determined pursuant to s.  
63 | 186.901, may establish a reporting process which shall be  
64 | limited to the regulations, reporting format, and reporting  
65 | frequency established by the department pursuant to this  
66 | section, which shall, at a minimum, include requiring the dealer  
67 | to identify the types and approximate amount of recovered  
68 | materials collected, recycled, or reused during the reporting  
69 | period; the approximate percentage of recovered materials  
70 | reused, stored, or delivered to a recovered materials processing  
71 | facility or disposed of in a solid waste disposal facility; and  
72 | the locations where any recovered materials were disposed of as  
73 | solid waste. Information reported under this subsection which,  
74 | if disclosed, would reveal a trade secret, as defined in s.  
75 | 812.081(1)(c), is confidential and exempt from the provisions of  
76 | s. 24(a), Art. I of the State Constitution and s. 119.07(1). The  
77 | local government may charge the dealer a registration fee  
78 | commensurate with and no greater than the cost incurred by the  
79 | local government in operating its registration program.  
80 | Registration program costs are limited to those costs associated  
81 | with the activities described in this paragraph. Any reporting  
82 | or registration process established by a local government with  
83 | regard to recovered materials shall be governed by the

84 provisions of this section and department rules promulgated  
85 pursuant thereto.

86 (c) A local government may establish a process in which  
87 the local government may temporarily or permanently revoke the  
88 authority of a recovered materials dealer to do business within  
89 the local government if the local government finds the recovered  
90 materials dealer, after reasonable notice of the charges and an  
91 opportunity to be heard by an impartial party, has consistently  
92 and repeatedly violated state or local laws, ordinances, rules,  
93 and regulations.

94 (d) In addition to any other authority provided by law, a  
95 local government is hereby expressly authorized to prohibit a  
96 person or entity not certified under this section from doing  
97 business within the jurisdiction of the local government; to  
98 enter into a nonexclusive franchise or to otherwise provide for  
99 the collection, transportation, and processing of recovered  
100 materials at commercial establishments, provided that a local  
101 government may not require a certified recovered materials  
102 dealer to enter into such franchise agreement in order to enter  
103 into a contract with any commercial establishment located within  
104 the local government's jurisdiction to purchase, collect,  
105 transport, process, or receive source-separated recovered  
106 materials; and to enter into an exclusive franchise or to  
107 otherwise provide for the exclusive collection, transportation,  
108 and processing of recovered materials at single-family or  
109 multifamily residential properties.

110 (e) Nothing in this section shall prohibit a local  
111 government from enacting ordinances designed to protect the  
112 public's general health, safety, and welfare.

113 (f) As used in this section:

114 1. "Commercial establishment" means a property or  
115 properties zoned or used for commercial or industrial uses, or  
116 used by an entity exempt from taxation under s. 501(c)(3) of the  
117 Internal Revenue Code, and excludes property or properties zoned  
118 or used for single-family residential or multifamily residential  
119 uses.

120 2. "Local government" means a county or municipality.

121 3. "Certified recovered materials dealer" means a dealer  
122 certified under this section.

123 (g) Solely for the purpose of subsection (3), except for  
124 the provisions of paragraphs (b) and (c), construction and  
125 demolition debris that is collected and transported directly to  
126 a permitted waste processing facility for the purpose of  
127 recycling is considered to be recovered material, and any person  
128 or entity handling such material in accordance with a department  
129 permit or other authorization shall be considered certified.

130 Section 3. This act shall take effect July 1, 2005.