

By Senator Smith

14-1371-05

See HB 589

1 A bill to be entitled
2 An act relating to recycling of recovered
3 construction and demolition materials; creating
4 s. 403.7047, F.S.; providing purpose; providing
5 a definition; requiring local governments to
6 create, if feasible, separate franchises for
7 the collection, transportation, and recycling
8 of recovered construction and demolition
9 materials; providing for determination of
10 feasibility; providing sanctions; providing an
11 effective date.

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

15 Section 1. Section 403.7047, Florida Statutes, is
16 created to read:

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

19 (1) Pursuant to the intent expressed in s.
20 403.707(12), the purpose of this section is to promote the
21 recycling of recovered construction and demolition materials.

22 (2)(a) As used in this section, the term "recovered
23 construction and demolition material" means any recyclable
24 material from construction and demolition debris that has been
25 separated at the permitted construction or demolition site and
26 placed into a separate container for purposes of being
27 recycled. Recovered construction and demolition materials
28 include brick; concrete; unpainted, nontreated wood; metal;
29 glass; cardboard; paper; and plastic.

30 (b)1. The mixing of recovered construction and
31 demolition materials with each other will cause the mixed

1 material to be classified as construction and demolition
2 debris.

3 2. The mixing of construction and demolition debris or
4 recovered construction and demolition materials with other
5 types of solid waste will cause the mixture to be classified
6 as other than construction and demolition debris or recovered
7 construction and demolition materials.

8 (3)(a) Prior to the renewal of a solid waste
9 management franchise agreement, a local government should
10 consider the feasibility of creating a separate franchise for
11 the collection, transportation, and recycling of recovered
12 construction and demolition materials and, if feasible, should
13 create such a separate franchise. A determination of
14 feasibility shall be based upon currently available funding or
15 funding sources that could reasonably be expected to become
16 available for such purpose.

17 (b) In addition to any other penalties provided by
18 law, a local government that does not comply with the
19 requirements of paragraph (a) shall not be eligible for grants
20 from the Solid Waste Management Trust Fund, and the department
21 may notify the Chief Financial Officer to withhold payment of
22 all or a portion of funds payable to the local government by
23 the department from the General Revenue Fund or by the
24 department from any other state fund, to the extent not
25 pledged to retire bonded indebtedness, unless the local
26 government demonstrates that good faith efforts to meet the
27 requirements of paragraph (a) have been made or that the funds
28 are being or will be used to finance the recycling of
29 recovered construction and demolition materials.

30 (4) Nothing in this section shall limit the authority
31 of the state or any local government to regulate the

1 collection, transportation, processing, or handling of
2 construction and demolition debris in order to protect the
3 public health, safety, and welfare.

4 Section 2. This act shall take effect January 1, 2006.
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