

1 A bill to be entitled
 2 An act relating to recycling of recovered construction and
 3 demolition materials; creating s. 403.7047, F.S.;
 4 providing purpose; providing a definition; requiring local
 5 governments to create, if feasible, separate franchises
 6 for the collection, transportation, and recycling of
 7 recovered construction and demolition materials; providing
 8 for determination of feasibility; providing sanctions;
 9 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. Section 403.7047, Florida Statutes, is created
 14 to read:

15 403.7047 Recycling of recovered construction and
 16 demolition materials.--

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

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

28 (b)1. The mixing of recovered construction and demolition
29 materials with each other will cause the mixed material to be
30 classified as construction and demolition debris.

31 2. The mixing of construction and demolition debris or
32 recovered construction and demolition materials with other types
33 of solid waste will cause the mixture to be classified as other
34 than construction and demolition debris or recovered
35 construction and demolition materials.

36 (3)(a) Prior to the renewal of a solid waste management
37 franchise agreement, a local government should consider the
38 feasibility of creating a separate franchise for the collection,
39 transportation, and recycling of recovered construction and
40 demolition materials and, if feasible, should create such a
41 separate franchise. A determination of feasibility shall be
42 based upon currently available funding or funding sources that
43 could reasonably be expected to become available for such
44 purpose.

45 (b) In addition to any other penalties provided by law, a
46 local government that does not comply with the requirements of
47 paragraph (a) shall not be eligible for grants from the Solid
48 Waste Management Trust Fund, and the department may notify the
49 Chief Financial Officer to withhold payment of all or a portion
50 of funds payable to the local government by the department from
51 the General Revenue Fund or by the department from any other
52 state fund, to the extent not pledged to retire bonded
53 indebtedness, unless the local government demonstrates that good
54 faith efforts to meet the requirements of paragraph (a) have
55 been made or that the funds are being or will be used to finance

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56 the recycling of recovered construction and demolition
57 materials.

58 (4) Nothing in this section shall limit the authority of
59 the state or any local government to regulate the collection,
60 transportation, processing, or handling of construction and
61 demolition debris in order to protect the public health, safety,
62 and welfare.

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