

By Senator Bean

4-01009-14

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1 A bill to be entitled
2 An act relating to recovered materials; amending s.
3 403.727, F.S.; exempting from liability for any costs
4 of site rehabilitation people who generate, sell, or
5 otherwise transfer recovered materials, or who sell or
6 transfer products, raw materials, or commodities made
7 from recovered materials, under certain circumstances;
8 conforming provisions to changes made by the act;
9 providing retroactive application under certain
10 circumstances; providing an effective date.

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

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14 Section 1. Subsection (4) of section 403.727, Florida
15 Statutes, is amended, present subsection (8) of that section is
16 renumbered as subsection (9), and a new subsection (8) is added
17 to that section, to read:

18 403.727 Violations; defenses, penalties, and remedies.—

19 (4) In addition to any other liability under this chapter,
20 and subject only to the defenses set forth in subsections (5),
21 (6), ~~and (7)~~, and (8):

22 (a) The owner and operator of a facility;

23 (b) Any person who at the time of disposal of any hazardous
24 substance owned or operated any facility at which such hazardous
25 substance was disposed of;

26 (c) Any person who, by contract, agreement, or otherwise,
27 arranged for disposal or treatment, or arranged with a
28 transporter for transport for disposal or treatment, of
29 hazardous substances owned or possessed by such person or by any

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30 other party or entity at any facility owned or operated by
31 another party or entity and containing such hazardous
32 substances; and

33 (d) Any person who accepts or has accepted any hazardous
34 substances for transport to disposal or treatment facilities or
35 sites selected by such person,

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37 is liable for all costs of removal or remedial action incurred
38 by the department under this section and damages for injury to,
39 destruction of, or loss of natural resources, including the
40 reasonable costs of assessing such injury, destruction, or loss
41 resulting from the release or threatened release of a hazardous
42 substance as defined in the Comprehensive Environmental
43 Response, Compensation, and Liability Act of 1980, Pub. L. No.
44 96-510.

45 (8) In order to promote the reuse and recycling of
46 recovered materials and to remove potential impediments to
47 recycling, notwithstanding chapter 376 or chapter 403, a person
48 who generates, sells, or transfers recovered materials, or who
49 sells or transfers products, raw materials, or commodities made
50 from recovered materials, to a facility owned or operated by
51 another person for the purpose of reclamation, recycling,
52 manufacturing, or reuse of such materials is not considered to
53 have arranged for the disposal, treatment, or transport for
54 disposal or treatment at that facility of a pollutant or
55 hazardous substance present in the recovered materials and is
56 relieved from liability for any costs of site rehabilitation at
57 that facility. This subsection applies to causes of action
58 accruing on or after July 1, 2014, and applies retroactively to

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59 causes of action accruing before July 1, 2014, for which a
60 lawsuit has not been filed.

61 Section 2. This act shall take effect July 1, 2014.