

By the Committee on Environment and Natural Resources

592-01947-21

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1                   A bill to be entitled  
2       An act relating to a review under the Open Government  
3       Sunset Review Act; amending s. 403.7046, F.S., which  
4       provides exemptions from public records requirements  
5       for trade secrets contained in information obtained by  
6       the Department of Environmental Protection; narrowing  
7       the exemption to the types or amounts of recovered  
8       materials or post-use polymers reported by a recovered  
9       materials dealer or pyrolysis facility; removing the  
10      scheduled repeals of the exemptions; providing an  
11      effective date.

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

14  
15       Section 1. Subsection (2) and paragraph (b) of subsection  
16      (3) of section 403.7046, Florida Statutes, are amended to read:  
17      403.7046 Regulation of recovered materials.—

18      (2) Information reported pursuant to this section or any  
19      rule adopted pursuant to this section relating to the types or  
20      amounts of recovered materials or post-use polymers reported by  
21      a recovered materials dealer or pyrolysis facility ~~which, if~~  
22      ~~disclosed, would reveal a trade secret, as defined in s.~~  
23      ~~812.081,~~ is confidential and exempt from s. 119.07(1) and s.  
24      24(a), Art. I of the State Constitution. For reporting or  
25      information purposes, however, the department may provide this  
26      information in such form that the names of the persons reporting  
27      such information and the specific information reported are not  
28      revealed. ~~This subsection is subject to the Open Government~~  
29      ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~

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30 ~~repealed on October 2, 2021, unless reviewed and saved from~~  
31 ~~repeal through reenactment by the Legislature.~~

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

46 (b)~~1~~. Before engaging in business within the jurisdiction  
47 of the local government, a recovered materials dealer or  
48 pyrolysis facility must provide the local government with a copy  
49 of the certification provided for in this section. In addition,  
50 the local government may establish a registration process  
51 whereby a recovered materials dealer or pyrolysis facility must  
52 register with the local government before engaging in business  
53 within the jurisdiction of the local government. Such  
54 registration process is limited to requiring the dealer or  
55 pyrolysis facility to register its name, including the owner or  
56 operator of the dealer or pyrolysis facility, and, if the dealer  
57 or pyrolysis facility is a business entity, its general or  
58 limited partners, its corporate officers and directors, its

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59 permanent place of business, evidence of its certification under  
60 this section, and a certification that the recovered materials  
61 or post-use polymers will be processed at a recovered materials  
62 processing facility or pyrolysis facility satisfying the  
63 requirements of this section. The local government may not use  
64 the information provided in the registration application to  
65 compete unfairly with the recovered materials dealer until 90  
66 days after receipt of the application. All counties, and  
67 municipalities whose population exceeds 35,000 according to the  
68 population estimates determined pursuant to s. 186.901, may  
69 establish a reporting process that must be limited to the  
70 regulations, reporting format, and reporting frequency  
71 established by the department pursuant to this section, which  
72 must, at a minimum, include requiring the dealer or pyrolysis  
73 facility to identify the types and approximate amount of  
74 recovered materials or post-use polymers collected, recycled, or  
75 reused during the reporting period; the approximate percentage  
76 of recovered materials or post-use polymers reused, stored, or  
77 delivered to a recovered materials processing facility or  
78 pyrolysis facility or disposed of in a solid waste disposal  
79 facility; and the locations where any recovered materials or  
80 post-use polymers were disposed of as solid waste. The local  
81 government may charge the dealer or pyrolysis facility a  
82 registration fee commensurate with and no greater than the cost  
83 incurred by the local government in operating its registration  
84 program. Registration program costs are limited to those costs  
85 associated with the activities described in this paragraph  
86 ~~subparagraph~~. Any reporting or registration process established  
87 by a local government with regard to recovered materials or

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88 post-use polymers is governed by this section and department  
89 rules adopted pursuant thereto.

90 ~~2. Information reported under this subsection which, if~~  
91 ~~disclosed, would reveal a trade secret, as defined in s.~~  
92 ~~812.081, is confidential and exempt from s. 119.07(1) and s.~~  
93 ~~24(a), Art. I of the State Constitution. This subparagraph is~~  
94 ~~subject to the Open Government Sunset Review Act in accordance~~  
95 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~  
96 ~~unless reviewed and saved from repeal through reenactment by the~~  
97 ~~Legislature.~~

98 Section 2. This act shall take effect October 1, 2021.