

**By** the Committees on Governmental Oversight and Accountability;  
and Environment and Natural Resources

585-03622-21

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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; removing  
7           the scheduled repeal of an exemption; deleting an  
8           exemption; providing an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Subsection (2) and paragraph (b) of subsection  
13           (3) of section 403.7046, Florida Statutes, are amended to read:  
14           403.7046 Regulation of recovered materials.—

15           (2) Information reported pursuant to this section or any  
16           rule adopted pursuant to this section which, if disclosed, would  
17           reveal a trade secret, as defined in s. 812.081, is confidential  
18           and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
19           Constitution. For reporting or information purposes, however,  
20           the department may provide this information in such form that  
21           the names of the persons reporting such information and the  
22           specific information reported are not revealed. ~~This subsection~~  
23           ~~is subject to the Open Government Sunset Review Act in~~  
24           ~~accordance with s. 119.15 and shall stand repealed on October 2,~~  
25           ~~2021, unless reviewed and saved from repeal through reenactment~~  
26           ~~by the Legislature.~~

27           (3) Except as otherwise provided in this section or  
28           pursuant to a special act in effect on or before January 1,  
29           1993, a local government may not require a commercial

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30 establishment that generates source-separated recovered  
31 materials to sell or otherwise convey its recovered materials to  
32 the local government or to a facility designated by the local  
33 government, nor may the local government restrict such a  
34 generator's right to sell or otherwise convey such recovered  
35 materials to any properly certified recovered materials dealer  
36 who has satisfied the requirements of this section. A local  
37 government may not enact any ordinance that prevents such a  
38 dealer from entering into a contract with a commercial  
39 establishment to purchase, collect, transport, process, or  
40 receive source-separated recovered materials.

41 (b)~~1~~. Before engaging in business within the jurisdiction  
42 of the local government, a recovered materials dealer or  
43 pyrolysis facility must provide the local government with a copy  
44 of the certification provided for in this section. In addition,  
45 the local government may establish a registration process  
46 whereby a recovered materials dealer or pyrolysis facility must  
47 register with the local government before engaging in business  
48 within the jurisdiction of the local government. Such  
49 registration process is limited to requiring the dealer or  
50 pyrolysis facility to register its name, including the owner or  
51 operator of the dealer or pyrolysis facility, and, if the dealer  
52 or pyrolysis facility is a business entity, its general or  
53 limited partners, its corporate officers and directors, its  
54 permanent place of business, evidence of its certification under  
55 this section, and a certification that the recovered materials  
56 or post-use polymers will be processed at a recovered materials  
57 processing facility or pyrolysis facility satisfying the  
58 requirements of this section. The local government may not use

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59 the information provided in the registration application to  
60 compete unfairly with the recovered materials dealer until 90  
61 days after receipt of the application. All counties, and  
62 municipalities whose population exceeds 35,000 according to the  
63 population estimates determined pursuant to s. 186.901, may  
64 establish a reporting process that must be limited to the  
65 regulations, reporting format, and reporting frequency  
66 established by the department pursuant to this section, which  
67 must, at a minimum, include requiring the dealer or pyrolysis  
68 facility to identify the types and approximate amount of  
69 recovered materials or post-use polymers collected, recycled, or  
70 reused during the reporting period; the approximate percentage  
71 of recovered materials or post-use polymers reused, stored, or  
72 delivered to a recovered materials processing facility or  
73 pyrolysis facility or disposed of in a solid waste disposal  
74 facility; and the locations where any recovered materials or  
75 post-use polymers were disposed of as solid waste. The local  
76 government may charge the dealer or pyrolysis facility a  
77 registration fee commensurate with and no greater than the cost  
78 incurred by the local government in operating its registration  
79 program. Registration program costs are limited to those costs  
80 associated with the activities described in this paragraph  
81 ~~subparagraph~~. Any reporting or registration process established  
82 by a local government with regard to recovered materials or  
83 post-use polymers is governed by this section and department  
84 rules adopted pursuant thereto.

85 ~~2. Information reported under this subsection which, if~~  
86 ~~disclosed, would reveal a trade secret, as defined in s.~~  
87 ~~812.081, is confidential and exempt from s. 119.07(1) and s.~~

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88 ~~24(a), Art. I of the State Constitution. This subparagraph is~~  
89 ~~subject to the Open Government Sunset Review Act in accordance~~  
90 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~  
91 ~~unless reviewed and saved from repeal through reenactment by the~~  
92 ~~Legislature.~~

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