

FOR CONSIDERATION By the Committee on Environment and Natural Resources

592-01117-21

20217008pb

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 the trade secrets contained in information
6 obtained by the Department of Environmental
7 Protection; narrowing the exemption to the types or
8 amounts of recovered materials or post-use polymers
9 reported by a recovered materials dealer or pyrolysis
10 facility; removing the scheduled repeals of the
11 exemptions; providing an 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30 ~~repealed on October 2, 2021, unless reviewed and saved from~~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.