

By the Committee on Environment and Natural Resources; and
Senator Trumbull

592-02543-23

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1 A bill to be entitled
2 An act relating to the recycling of covered electronic
3 devices; creating s. 403.71853, F.S.; defining terms;
4 establishing the statewide Covered Electronic Device
5 Recovery Program within the Department of
6 Environmental Protection; authorizing the department
7 to use specified funds to administer the program;
8 specifying requirements for a statewide plan for the
9 recycling of covered electronic devices; requiring
10 counties to submit a specified plan for the disposal
11 of covered electronic devices by a specified date;
12 requiring the owners or operators of certain
13 facilities to dispose of such facilities' covered
14 electronic devices in a permitted reclamation facility
15 beginning on a specified date; prohibiting any person
16 from disposing of covered electronic devices except at
17 a permitted reclamation facility beginning on a
18 specified date; providing civil penalties; authorizing
19 such penalties to be waived under certain conditions;
20 providing applicability; requiring the department to
21 deposit any funds received pursuant to the program
22 into the Solid Waste Management Trust Fund to be used
23 for specified purposes; requiring the department to
24 adopt rules by a specified date which meet certain
25 requirements; providing an effective date.

26
27 WHEREAS, it is recognized that China presents the broadest,
28 most active and persistent cyber espionage threat to the United
29 States Government and private sector networks, and

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30 WHEREAS, the technology products and services most
31 vulnerable to malicious foreign exploitation are sold by
32 companies that the Chinese Government influences through whole
33 or partial ownership, direct funding, or members placed in high-
34 ranking company positions, and

35 WHEREAS, it is the intent of the Legislature to incentivize
36 and provide the necessary infrastructure to recycle electronic
37 and technology products in the state in order to reduce our
38 economic reliance on such products made in China, NOW,
39 THEREFORE,

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

42
43 Section 1. Section 403.71853, Florida Statutes, is created
44 to read:

45 403.71853 Recycling of covered electronic devices.-

46 (1) DEFINITIONS.-As used in this section, the term:

47 (a) "Covered electronic device":

48 1. Includes all of the following electronic devices,
49 whether the device has a cathode-ray tube or flat panel based on
50 any technology:

51 a. Computers.

52 b. Portable computers.

53 c. Computer monitors.

54 d. Printers.

55 e. Fax machines.

56 f. Scanners.

57 g. Stereos.

58 h. DVD players.

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59 i. Radios.

60 j. Telephones, including mobile phones.

61 k. Televisions.

62 l. Small household appliances, including, but not limited
63 to, coffee pots, toasters, toaster ovens, blenders, and
64 microwaves.

65 m. Computer peripherals, including, but not limited to,
66 mice, keyboards, and speakers.

67 2. Does not include electronic devices that are:

68 a. Part of a motor vehicle or any component part of a motor
69 vehicle assembled by or for a vehicle manufacturer or franchised
70 dealer, including, but not limited to, replacement parts for use
71 in a motor vehicle;

72 b. Functionally or physically a part of a larger piece of
73 equipment designed and intended for use in an industrial,
74 commercial, or medical setting, including, but not limited to,
75 diagnostic, monitoring, or control equipment; or

76 c. Contained within a clothes washer, clothes dryer,
77 refrigerator, freezer, refrigerator and freezer, microwave oven,
78 conventional oven or range, dishwasher, room air conditioner,
79 dehumidifier, or air purifier.

80 (b) "Reclamation facility" means a site permitted by the
81 department where equipment is used to handle, process,
82 disassemble, dismantle, shred, recapture, or store recoverable
83 materials. The term includes, but is not limited to, composting
84 or remediation facilities.

85 (2) STATEWIDE COVERED ELECTRONIC DEVICE RECOVERY PROGRAM.—
86 The statewide Covered Electronic Device Recovery Program is
87 established within the Department of Environmental Protection.

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88 The department may use funds from the Solid Waste Management
89 Trust Fund to administer the program. The purpose of the program
90 is to create a statewide plan for the recycling of covered
91 electronic devices. In creating the statewide plan, the
92 department must consider all of the following:

93 (a) Existing collection and consolidation infrastructure
94 for collecting covered electronic devices.

95 (b) Convenience standards for each county or solid waste
96 authority serving one or more counties.

97 (c) County population statistics and data of residents.

98 (d) Administrative costs and other authorized expenses
99 necessary to prevent the disposal of covered electric devices in
100 landfills.

101 (3) COMPLIANCE TIMELINE.—

102 (a) By January 1, 2025, each county must submit a plan to
103 the department for ensuring the county will appropriately
104 dispose of covered electronic devices at a permitted reclamation
105 facility.

106 (b) Effective January 1, 2026, any person who owns or
107 operates an industrial, institutional, or commercial facility in
108 this state shall dispose of that facility's covered electronic
109 devices in a permitted reclamation facility.

110 (c) Effective January 1, 2028, it is unlawful for any
111 person to dispose of covered electronic devices in this state
112 except at a permitted reclamation facility.

113 (4) CIVIL PENALTY.—A person who engages in an unlawful act
114 as provided in this section or who violates the rules of the
115 department adopted pursuant to this section is liable for
116 damages and subject to civil penalties under s. 403.141. The

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117 penalty may be waived if the person has previously taken
118 appropriate corrective action to remedy the actual damages, if
119 any, caused by the unlawful act or rule violation. Section
120 403.161 does not apply to this section.

121 (5) PROGRAM FUNDS.—The department shall deposit any funds
122 received pursuant to this section into the Solid Waste
123 Management Trust Fund and shall account for such funds
124 separately within the fund. The funds may be used upon
125 appropriation to provide grants to local governments and other
126 public and private entities to develop and operate regional
127 covered electronic device recycling programs and for
128 administrative costs and other authorized expenses necessary to
129 carry out the responsibilities of this section.

130 (6) RULES.—By July 1, 2024, the department shall adopt
131 rules to carry out this section. Such rules must include all of
132 the following:

133 (a) Criteria and procedures for obtaining a reclamation
134 facility permit.

135 (b) Standards for reclamation facilities and associated
136 collection centers and standards for the storage of covered
137 electronic devices.

138 (c) Requirements for the collection of data on the amounts
139 of precious metals recovered through the program.

140 Section 2. This act shall take effect July 1, 2023.