

HB 691

2023

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 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

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:

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 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" means a computer, portable
 48 computer, computer monitor, or television, whether it has a
 49 cathode ray tube or flat panel based on any technology, with a
 50 screen size greater than 4 inches measured diagonally. The term

51 does not include an electronic device that is:

52 1. A part of a motor vehicle or any component part of a
 53 motor vehicle assembled by or for a vehicle manufacturer or
 54 franchised dealer, including, but not limited to, replacement
 55 parts for use in a motor vehicle;

56 2. Functionally or physically a part of a larger piece of
 57 equipment designed and intended for use in an industrial,
 58 commercial, or medical setting, including, but not limited to,
 59 diagnostic, monitoring, or control equipment;

60 3. Contained within a clothes washer, clothes dryer,
 61 refrigerator, refrigerator and freezer, microwave oven,
 62 conventional oven or range, dishwasher, room air conditioner,
 63 dehumidifier, or air purifier; or

64 4. A telephone of any type.

65 (b) "Reclamation facility" means a site permitted by the
 66 department where equipment is used to handle, process,
 67 disassemble, dismantle, shred, recapture, or store recoverable
 68 materials. The term includes, but is not limited to, composting
 69 or remediation facilities.

70 (2) STATEWIDE COVERED ELECTRONIC DEVICE RECOVERY PROGRAM.—
 71 The statewide Covered Electronic Device Recovery Program is
 72 established within the Department of Environmental Protection.
 73 The department may use funds from the Solid Waste Management
 74 Trust Fund to administer the program. The purpose of the program
 75 is to create a statewide plan for the recycling of covered

76 electronic devices. In creating the statewide plan, the
77 department must consider all of the following:

78 (a) Existing collection and consolidation infrastructure
79 for collecting covered electronic devices.

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

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

83 (d) Administrative costs and other authorized expenses
84 necessary to prevent the disposal of covered electric devices in
85 landfills.

86 (3) COMPLIANCE TIMELINE.—

87 (a) By January 1, 2025, each county must submit a plan to
88 the department for ensuring the county will appropriately
89 dispose of covered electronic devices at a permitted reclamation
90 facility.

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

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

98 (4) CIVIL PENALTY.—A person who engages in an unlawful act
99 as provided in this section or who violates the rules of the
100 department adopted pursuant to this section is liable for

101 damages and subject to civil penalties under s. 403.141. The
102 penalty may be waived if the person has previously taken
103 appropriate corrective action to remedy the actual damages, if
104 any, caused by the unlawful act or rule violation. Section
105 403.161 does not apply to this section.

106 (5) PROGRAM FUNDS.—The department shall deposit any funds
107 received pursuant to this section into the Solid Waste
108 Management Trust Fund and shall account for such funds
109 separately within the fund. The funds may be used upon
110 appropriation to provide grants to local governments and other
111 public and private entities to develop and operate regional
112 covered electronic device recycling programs and for
113 administrative costs and other authorized expenses necessary to
114 carry out the responsibilities of this section.

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

118 (a) Criteria and procedures for obtaining a reclamation
119 facility permit.

120 (b) Standards for reclamation facilities and associated
121 collection centers and standards for the storage of covered
122 electronic devices.

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

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