

By Senator Clary

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A bill to be entitled
An act relating to state purchasing; creating
s. 287.053, F.S.; providing for state
purchasing of printer or duplicator cartridges;
defining terms; providing for restrictions on
the purchase of cartridges; directing the
Department of Management Services to adopt
rules; providing an effective date.

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

Section 1. Section 287.053, Florida Statutes, is
created to read:

287.053 Purchase of printer or duplicator
cartridges.--

(1) It is the purpose of this section to further the
policy of the state of promoting and enhancing waste
reduction, recycling, remanufacturing, and the state's
economic development by reducing solid waste and conserving
resources.

(2) As used in this section, the term:

(a) "Recycled cartridge" means a printer or
duplication cartridge that would otherwise become solid waste
but that has undergone a process of collecting, sorting,
cleansing, treating, or reconstituting and has been returned
for the manufacture of new products or for making
remanufactured cartridges.

(b) "Remanufactured cartridge" means a printer or
duplication cartridge that has served its intended use, but,
rather than being discarded or disposed of, has been restored,

1 renovated, repaired, or recharged without substantial
2 alternation of its form.

3 (c) "Printer or duplication cartridge" means a
4 cartridge, including, but not limited to, a toner or ink
5 cartridge used in printer or duplication equipment.

6 (3) Notwithstanding other provisions of law and except
7 as provided in subsection (4), a state agency may not purchase
8 any printer or duplication cartridge for which the
9 manufacturer, wholesaler, distributor, retailer, or
10 remanufacturer places restrictions on the recycling or
11 remanufacturing of that cartridge by any other person. For
12 purposes of this section, these restrictions include, without
13 limitations, any of the following:

14 (a) Reducing the price of the cartridge in exchange
15 for any agreement not to remanufacture the cartridge;

16 (b) A licensing agreement that forbids the
17 remanufacturing of the cartridge; or

18 (c) Any contract that forbids the remanufacturing or
19 recycling of the cartridge.

20 (4) Notwithstanding the provisions of subsection (3),
21 a manufacturer, wholesaler, distributor, retailer, or
22 remanufacturer who establishes a recycling or remanufacturing
23 program that is available to its customers may enter into
24 signed agreements with those customers consenting to the
25 return of the used cartridge to the manufacturer, wholesaler,
26 distributor, retailer, or remanufacturer for the purpose of:

27 (a) Making remanufactured cartridges available for
28 purchase; or

29 (b) Making recycled cartridges.

30 (5) Each state agency shall print a statement on the
31 cover of its bid packages for printer or duplicator

1 cartridges, or in some other noticeable place in the bid
2 packet, notifying all bidders that it is unlawful to prohibit
3 a printer or duplication cartridge that is sold to the state
4 from being recycled or remanufactured, except as specified in
5 subsection (4).

6 (6) The Department of Management Services shall adopt
7 rules to administer this section.

8 Section 2. This act shall take effect upon becoming a
9 law.

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12 SENATE SUMMARY

13 Provides regulations for the purchase of printer or
14 duplicator cartridges by state agencies. Requires the
15 Department of Management Services to adopt rules.

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