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1	A bill to be entitled
2	An act relating to recycled and recovered materials;
3	amending s. 403.727, F.S.; exempting a person who
4	sells, transfers, or arranges for the transfer of
5	recycled and recovered materials from liability for
6	hazardous substances released or threatened to be
7	released from the receiving facility or site, under
8	certain circumstances; defining the term "recycled and
9	recovered materials"; providing retroactive
10	application under certain circumstances; providing an
11	effective date.
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13	Be It Enacted by the Legislature of the State of Florida:
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15	Section 1. Subsection (4) of section 403.727, Florida
16	Statues, is amended, present subsection (8) of that section is
17	redesignated as subsection (9), and a new subsection (8) is
18	added to that section, to read:
19	403.727 Violations; defenses, penalties, and remedies
20	(4) In addition to any other liability under this chapter,
21	and subject only to the defenses set forth in subsections (5),
22	(6), and (7), and (8):
23	(a) The owner and operator of a facility;
24	(b) Any person who at the time of disposal of any
25	hazardous substance owned or operated any facility at which such
26	hazardous substance was disposed of;
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27 Any person who, by contract, agreement, or otherwise, (C) arranged for disposal or treatment, or arranged with a 28 29 transporter for transport for disposal or treatment, of 30 hazardous substances owned or possessed by such person or by any 31 other party or entity at any facility owned or operated by 32 another party or entity and containing such hazardous 33 substances; and 34 Any person who accepts or has accepted any hazardous (d) 35 substances for transport to disposal or treatment facilities or 36 sites selected by such person, 37 38 is liable for all costs of removal or remedial action incurred 39 by the department under this section and damages for injury to, 40 destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss 41 42 resulting from the release or threatened release of a hazardous 43 substance as defined in the Comprehensive Environmental 44 Response, Compensation, and Liability Act of 1980, Pub. L. No. 45 96-510. 46 (8) In order to promote the reuse and recycling of 47 recovered materials and to remove potential impediments to 48 recycling, notwithstanding ss. 376.308 and 403.727, a person who 49 sells, transfers, or arranges for the transfer of recycled and 50 recovered materials to a facility owned or operated by another person for the purpose of reclamation, recycling, manufacturing, 51 52 or reuse of such materials is relieved from liability for

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hazardous substances released or threatened to be released from the receiving facility. This relief from liability does not apply if the person fails to exercise reasonable care with respect to the management and handling of the recycled and recovered materials, or if the arrangement for reclamation, recycling, manufacturing, or reuse of such materials was not

59	reasonably expected to be legitimate based on information	
60	generally available to the person at the time of the	

61 arrangement. For the purpose of this subsection, the term

62 <u>"recycled and recovered materials" means scrap paper; scrap</u>

63 plastic; scrap glass; scrap textiles; scrap rubber, other than
64 whole tires; scrap metal; or spent lead-acid or nickel-cadmium

65 batteries or other spent batteries. The term includes minor

66 amounts of material incident to or adhering to the scrap

67 material as a result of its normal and customary use before

68 becoming scrap. The term does not include hazardous waste. This

subsection applies to causes of action accruing on or after July
 1, 2015, and applies retroactively to causes of action accruing

70 <u>1, 2015, and applies retroactively to causes of action accruing</u>
71 before July 1, 2015, for which a lawsuit has not been filed.

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Section 2. This act shall take effect July 1, 2015.

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