

US EPA ARCHIVE DOCUMENT

Sample Language for Freedom of Information Act Exemption

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APPENDIX

Excerpt From Florida Statute Section 403.7046, “Regulation of Recovered Materials”

(1) After January 1, 1994, any person who handles, purchases, receives, recovers, sells, or is an end use of recovered materials shall annually certify to the department on forms provided by the department. The department may by rule exempt from this requirement generators of recovered materials, persons who handle or sell recovered materials as an activity which is incidental to the normal primary business activities of that person, or persons who handle, purchase, receive, recover, sell, or are end users of recovered materials in small quantities as defined by the department. The department shall adopt rules for the certification of and reporting by such persons and shall establish criteria for revocation of such certification. Prior to the adoption of such rules, the department shall appoint a technical advisory committee of no more than nine persons, including at a minimum, representatives of the Florida Association of Counties, the Florida League of Cities, the Florida Recyclers Association, and the Florida Chapter of the National Solid Waste Management Association, to aid in the development of such

rules. Such rules shall be designed to elicit, at a minimum, the amount and types of recovered materials handled by registrants, and the amount and disposal site, or name of person with whom such disposal was arranged, or any solid waste generated by such facility. Such rules may provide for the department to conduct periodic inspections. The department may charge a fee of up to \$50 for each registration, which shall be deposited into the Solid Waste Management Trust Fund for implementation of the program.

(2) Information reported pursuant to the requirements of this section or any rule adopted pursuant to this section which, if disclosed, would reveal a trade secret, as defined in s. 812.081(1)(c), is confidential and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. For reporting or information purposes, however, the department may provide this information in such form that the names of the persons reporting such information and the specific information reported is not revealed.

(3) Except as otherwise provided in this section or pursuant to a special act in effect on or before January 1, 1993, a local government may not require a commercial

establishment that generates source-separated recovered materials to sell or otherwise convey its recovered materials to the local government or to a facility designated by the local government, nor may the local government restrict such a generator’s right to sell or otherwise convey such recovered materials to any properly certified recovered materials dealer who has satisfied the requirements of this section. A local government may not enact any ordinance that prevents such a dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or receive source-separated recovered materials.

(a) The local government may require that the recovered materials generated at the commercial establishment be source separated at the premises of the commercial establishment.

(b) Prior to engaging in business within the jurisdiction of the local government, a recovered materials dealer must provide the local government with a copy of the certification provided for this section. In addition, the local government may establish a registration process whereby a recovered materials dealer must register with the local government prior to engaging in business with the jurisdiction of the local government.