

STORAGE NAME: h3125a.ep

DATE: February 5, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3125

RELATING TO: Solid Waste Disposal

SPONSOR(S): Representative Smith

COMPANION BILL(S): SB 376 by Senator Kirkpatrick

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) ENVIRONMENTAL PROTECTION YEAS 11 NAYS 0
 - (2) GENERAL GOVERNMENT APPROPRIATIONS
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill revises and clarifies section 403.707 (2), F.S., providing that a permit from the Department of Environmental Protection is not required under certain conditions for disposal of solid waste by persons on their own property, and the conditions under which those activities are exempt.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

A permit from the Department of Environmental Protection is not required of persons disposing of their own residential or land clearing waste on their own property. It is required that such activities do not create a public nuisance and they do not pose a threat to the environment or public health. This has been in statute for a number of years and was not revised in either the 1988 or 1993 solid waste acts. This statute was in place to allow rural areas to dispose of their waste. For many years some areas did not have access to landfills and the only opportunity for some to dispose of solid waste was to dispose of it on their own property. Now, each county has a landfill or disposal area which gives residents the opportunity to dispose of their waste at those facilities.

B. EFFECT OF PROPOSED CHANGES:

This bill will clarify the solid waste that can be disposed of on a person's own property. Materials which still may be disposed of include: ordinary household waste, rock, soil, trees, or tree remains, and other vegetative matter. Prohibited materials would be those that would create a public nuisance or adversely affect the environment or public health such as: white goods; automotive materials (batteries, tires, etc); petroleum products; pesticides; solvents; or, hazardous substances.

As a result of this bill, individuals wishing to dispose of those prohibited materials on their property would now require a permit. Disposal without a permit is punishable under the provisions of s. 403.161(5), F.S. Those offenses can result in a first degree misdemeanor punishable by a fine of not more than \$10,000 or six months in jail, or both for each offense.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 403.707(2), F.S. - Permits

E. SECTION-BY-SECTION RESEARCH:

Section 1: This bill will clarify the solid waste that can be disposed of on a person's own property. Materials which still may be disposed of include: ordinary household waste, rock, soil, trees, or tree remains, and other vegetative matter. Prohibited materials would be those that would create a public nuisance or adversely affect the environment or public health such as: white goods; automotive materials (batteries, tires, etc); petroleum products; pesticides; solvents; or, hazardous substances.

Section 2: Provides this act will take effect July 1 of the year enacted.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Private costs may rise. Individuals that might have been disposing of unauthorized materials on their own property, will now have to pay disposal fees at permitted solid waste management facilities.

2. Direct Private Sector Benefits:

Benefits may include an increase in revenues at landfill, such an increase is expected to be minimal.

3. Effects on Competition, Private Enterprise and Employment Markets:

Not significant.

STORAGE NAME: h3125a.ep

DATE: February 5, 1998

PAGE 7

D. FISCAL COMMENTS:

None

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditures of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue-raising authority of cities or counties.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the amount of state tax shared with cities and counties.

V. COMMENTS:

On February 4, 1998 the Committee on Environmental Protection heard HB 3125 and passed it unanimously with no amendments.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

Legislative Research Director:

Chris Flack

Wayne S. Kiger