

STORAGE NAME: h3125z.ep
DATE: June 17, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ENVIRONMENTAL PROTECTION
FINAL 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 (W/D)
(3)
(4)
(5)

I. FINAL ACTION STATUS:

On March 24, 1998, the House heard and passed HB 3125 by a vote of 118 to 0. The Senate adopted three amendments to the act. The first amendment provides the department with the authority to administer loans made under the Sewage Treatment Facilities Revolving Loan Program, including the authority to sell or pledge the loans. The proceeds from the sale of such loans must be deposited into the Sewage Treatment Revolving Loan Fund. The second amendment is technical, and the third requires the Department of Environmental Protection and local governments to enter into interagency agreements when requiring financial assurance from solid waste facilities for closure. The act passed the Senate as amended by a vote of 33 to 0 on April 22. The House concurred with the Senate amendment by a vote of 118 to 0. The act became law without the Governor's signature on May 30, 1998, Chapter 98-316, L.O.F.

II. SUMMARY:

This act revises and clarifies section 403.1835, F.S., providing that the Sewage Treatment Facilities Revolving Loan Program be self-perpetuating. It revises the Department of Environmental Protection's authority to make loans and grants, and also requires that the proceeds from the sale or pledge of loans must be deposited into the Sewage Treatment Revolving Loan Fund.

This act further revises and clarifies section 403.707, 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. Local governments and the Department of Environmental Protection are required to enter into an interagency agreement allowing the owner or operator of a solid waste management facility to provide a single financial mechanism to cover the costs of closure for their facility.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

A permit from the Department of Environmental Protection (department) 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.

The Sewage Treatment Facilities Revolving Loan Program was established in order to assist the implementation of the Florida Air and Water Pollution Control Act. It is intended to help accelerate the construction of sewage treatment facilities by local governmental agencies and to assist local governmental agencies.

B. EFFECT OF PROPOSED CHANGES:

This act will provide the department with the authority to administer loans made under the Sewage Treatment Facilities Revolving Loan Program, including the authority to sell or pledge the loans. The proceeds from the sale of such loans must be deposited into the Sewage Treatment Revolving Loan Fund. Any action by the department must be approved by the Governor, the Treasurer, and the Comptroller, acting as the State Board of Administration.

This act clarifies 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 act, 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.

This act will provide the owners and operators of solid waste management facilities the ability to provide a single financial mechanism for the costs of closure of such facilities. When the department and local governments both require financial assurance for closure, the department and local government are required to enter into an interagency agreement allowing one source of financial security to satisfy both the department and the local government.

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?

No.

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

Yes, the department is given the authority to administer the loans made from the Sewage Treatment Facilities Revolving Loan Program.

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

No.

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?

No.

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

No.

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

No.

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

No.

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

No.

3. Personal Responsibility:

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

No.

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

No.

4. Individual Freedom:

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

No.

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

Yes, disposal of certain materials which create a public nuisance or adversely affect public health or the environment on a person's own property will no longer be exempt from permit requirements.

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 403.1835, F.S.

Section 403.707, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1: Amends subsections 1, 3, 9, and 10 of s. 403.1835, F.S. providing that the Sewage Treatment Facilities Revolving Loan Program be self-perpetuating. It revises the Department of Environmental Protection's authority to make loans and grants, and also requires that the proceeds from the sale or pledge of loans must be deposited into the Sewage Treatment Revolving Loan Fund.

Section 2: Amends subsection 2, and creates subsection 13, of s. 403.707, F.S., to clarify that solid waste which may be disposed of on a person's own property. In addition it provides that local governments and the Department of Environmental Protection are required to enter into an interagency agreement allowing the owner or operator of a solid waste management facility to provide a single financial mechanism to cover the costs of closure for their facility.

Section 3: Provides that the act will take effect July 1 of the year enacted.

IV. 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. The direction to enter into interagency agreements between the state and local governments will allow solid waste facility owner's and operators to provide a single financial mechanism for the costs of closure.

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

Not significant.

D. **FISCAL COMMENTS:**

None

V. 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.

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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.

VI. COMMENTS:

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

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VIII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

Legislative Research Director:

Chris Flack

Wayne S. Kiger

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