

**STORAGE NAME:** h1529a.ep

**DATE:** March 14, 2000

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
ENVIRONMENTAL PROTECTION  
ANALYSIS**

**BILL #:** HB 1529

**RELATING TO:** Resource Recovery and Management

**SPONSOR(S):** Representative Kelly

**TIED BILL(S):**

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

- (1) ENVIRONMENTAL PROTECTION YEAS 14 NAYS 0
  - (2) COMMUNITY AFFAIRS
  - (3)
  - (4)
  - (5)
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**I. SUMMARY:**

HB 1529 amends the definition of "source separated" and provides that various types of recovered materials, such as: metals, paper, glass, plastic, textiles and rubber are not source separated recyclables when 1) two or more types of recovered materials are deposited into the collection container; and 2) more than 10 percent of the container is solid waste by volume.

There is an amendment traveling with this bill which provides that the 10 percent is to be measured by volume or weight.

This bill becomes effective upon becoming law.

This bill does not have a fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Recycling creates the new supply of a product from raw materials that were previously discarded. Recycling reduces the amount of solid waste that is to be landfilled or incinerated. As much as half of the solid waste stream can be recycled. There are six items listed in statute as being recyclable: plastics, metal, glass, textile, rubber and paper.

The success of a recycling program depends largely upon the method of collection used. There are three general methods that may be used. First, recyclable materials may be separated by hand or mechanically from mixed waste after it has been collected. Material recovery facilities remove recyclables from the solid waste stream.

Second, consumers may take the recyclable materials to drop-off centers. The burden on collection and delivery shifts to the consumer, and away from the government. This is a voluntary program, participation is low and only a fraction of the waste is diverted.

The third approach is the most successful, convenient and reliable: source separated curbside collection of materials by a city or county waste management program. More than 80 percent of Florida communities have chosen curbside collection. The recyclable materials are taken to a municipal recycling facility for sorting, cleaning, and eventual sale. The nonrecyclable components are collected for landfills and put into the solid waste stream.

Section 403.703(44), F.S., sets forth the definition of "source separated" as recovered materials that are separated from solid waste. It does not require that the recovered materials be separated from each other.

With a high participation in recycling, a competitive market for carrying the waste to disposal facilities was created. The haulers for recyclable materials are not regulated to the extent that the haulers for solid waste materials are regulated. In fact, the solid waste haulers are required to enter into an exclusive franchise agreement with the city/county for hauling services. This provides the local governments with someone to hold accountable should the solid waste regulations be violated. The haulers for recyclable materials, however, are able to engage in a free market system and are not required to enter into franchise agreements.

If a hauler repeatedly violates statutory regulations, and hauls "solid waste" without being a party to a franchise agreement, then the local government may revoke the authority of the recovered materials dealer to do business within the local government's jurisdiction under s. 403.7046(3)(c) and (d), F.S.

**C. EFFECT OF PROPOSED CHANGES:**

This bill addresses when material in a waste collection container changes from "recyclable" material to "solid waste" material. This bill acknowledges that a "de minimis" amount of solid waste does exist in the stream of recyclable materials. So, even a hauler for recyclable materials may inadvertently have some solid waste in the collection container. This bill also provides that where there are more than two types of recyclables in the collection container, and more than 10 percent of the collection container is solid waste, then the material is deemed to be solid waste. This definition would provide cities and counties with a definitive line to determine whether the materials are "recyclable" materials or "solid waste" materials where both materials co-exist.

This bill would also provide the cities and counties with a way to identify "sham recyclers." Sham recyclers are those haulers who say that they are hauling recyclable material so that they do not have to enter into a franchise agreement with the local government, but instead, they are really hauling solid waste as a part of their collection. Sham recyclers drop the solid waste off at an appropriate facility and in turn, recover a profit -- without being regulated by a solid waste franchise agreement and without paying the franchise fees. This bill would allow cities and counties to identify whether a load of material reaches the level of being "solid waste", and then the local government may take the appropriate steps to determine whether the hauler is a party to a franchise agreement, and if not, determine whether it should revoke the authority of the recovered materials dealer to do business within that local government's jurisdiction under s. 403.7046(3)(c) and (d), F.S.

**D. SECTION-BY-SECTION ANALYSIS:**

This section need be completed only in the discretion of the Committee.

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

N/A

2. Expenditures:

N/A

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

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1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

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 expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 14, 2000, the Committee on Environmental Protection adopted an amendment that is traveling with this bill which provides that the 10 percent limitation may be measured by volume or "weight".

VII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

Staff Director:

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Wayne Kiger