

STORAGE NAME: h4029.ep

DATE: February 4, 2000

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

BILL #: HB 4029 (PCB RC 00-15)

RELATING TO: Florida Statutes/ Repeals

SPONSOR(S): Committee on Rules & Calendar and Representative Constantine

TIED BILL(S):

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

- (1) RULES AND CALENDAR YEAS 15 NAYS 0
 - (2) ENVIRONMENTAL PROTECTION YEAS ____ NAYS ____
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill repeals statutes that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.

This bill does not appear to have a fiscal impact on state or local governments.

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:

It was requested that the Committee on Environmental Protection review a number of sections of the Florida Statutes to determine which of those sections have become obsolete, have had their effect, have served their purpose, or have been impliedly or expressly repealed or superseded.

The Committee on Environmental Protection identified a number of such statutory sections and referred that information to the House Committee on Rules and Calendar. With this information, the Committee on Rules and Calendar then proceeded to draft and pass Proposed Committee Bill RC 00-15.

PCB RC 00-15 is now before the Committee on Environmental Protection as HB 4029. See "Section-by-Section Analysis".

C. EFFECT OF PROPOSED CHANGES:

See "Section-by-Section Analysis".

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 161.163, F.S.

Section 161.163, F.S., states that the Department of Environmental Protection is to adopt by rule a designation of coastal areas which are used by sea turtles for nesting by July 1, 1988. Also, the department is to adopt guidelines for local governments to regulate beach front lighting. This statute is necessary to protect sea turtle nesting and the text should be retained, however, the date has served its purpose and is to be deleted.

Section 2: Amends s. 161.56, F.S.

Section 161.56, F.S., requires the state land planning agency to submit evidence that it has adopted a building code to the Administration Commission within 90 days after January 1, 1987. This statutory section establishes local enforcement and therefore, would be retained. However, the date reference is obsolete and is to be deleted.

Section 3: Repeals s. 253.033(3)(b), F.S.

Chapter 253, F.S., relates to public lands and property. Section 253.033(3)(b), F.S., requires the Board of Trustees of the Internal Improvement Trust Fund to transfer to the City of North Miami the "Graves tract" described therein.

Section 4: Repeals s. 259.032(15), F.S.

Section 259.032(15), F.S., states that certain moneys may be appropriated to qualified local governmental entities pursuant to s. 375.075. This subsection only pertains to FY 1999-00 and will have no effect after June 30, 2000. This statutory subsection expressly provides that it expires on July 1, 2000.

Section 5: Repeals ss. 369.311 and 369.313, F.S.

Section 369.111, F.S., specifically sets forth the policy of the state regarding the Wekiva River System. This section expressly provides an expiration date of July 1, 1999 and is, at this time, obsolete and therefore should be repealed. Section 369.313, F.S., states that the St. Johns River Water Management District is authorized to make expenditures for the purposes of designing and implementing pilot projects that restore, protect and preserve the integrity of the Little Wekiva River. This section expressly provides an expiration date of July 1, 1999 and is, at this time, obsolete.

Section 6: Repeals s. 376.11(7), F.S.

Section 376.11(7), F.S., appropriates from the Florida Coastal Protection Trust Fund during FY 1998-99 up to \$12 million for the purpose of funding statewide beach renourishment, restoration, and inlet management plans. This subsection only applied to FY 1998-99 and expressly expired on July 1, 1999 and is, therefore, obsolete.

Section 7: Repeals s. 376.185, F.S.

Section 376.185, F.S., provides that the department is to submit their budget requests to the Legislature, and upon appropriation thereof by the Legislature, the funds are to be authorized for expenditure and approved by the department. This is the current process even without this statute in place, and therefore, it is unnecessary.

Section 8: Amends s. 376.11(4)(a), F.S.

Section 376.11(4)(a), F.S., states that moneys in the fund are to be disbursed for administrative, personnel and equipment costs. This bill updates an obsolete cite reference.

Section 9: Repeals s. 376.30713(5), F.S.

Section 376.30713(5), F.S., provides that the department is required to submit a report on the progress and level of activity relating to the preapproved advanced cleanup by December 31, 1998 and provides reporting requirements. This report has already been submitted and this subsection is now outdated, and therefore, obsolete.

Section 10: Repeals s. 377.02, F.S.

Section 377.02, F.S., sets forth the form of the interstate compact which is to be used had Florida chosen to be a party. Florida is a nonparty to the interstate compact and therefore, this form is obsolete.

Section 11: Repeals s. 403.085(2) and (4), F.S.

Section 403.085(2), F.S., states that certain sanitary sewage treatment plants are to provide for secondary waste treatment and advanced waste treatment by January 3, 1974. The dates are obsolete, however, this provision addresses minimum levels of treatment for existing systems. Therefore, delete the date references but keep the existing standards.

Section 403.085(4), F.S., states that certain plants which discharge industrial waste are to provide for secondary waste treatment by January 3, 1974. This statutory section is outdated and therefore, obsolete. The dates are obsolete, however, this provision addresses minimum levels of treatment for existing systems. Therefore, delete the date references but keep the existing standards.

Section 12: Amends s. 403.086, F.S.

Section 403.086(2), F.S., states that any facility for sanitary sewage disposal in existence on July 1, 1971, shall provide for secondary waste treatment by January 1, 1973 and provides for a penalty for noncompliance. The dates are obsolete, however, this provision addresses minimum levels of treatment for existing systems. Therefore, delete the date references but keep the existing standards.

Cross-references in this section are updated as well.

Section 13: Amends s. 403.067, F.S.

Section 403.067(7)(b), F.S., states that the department may develop a basin plan when developing and implementing the total maximum daily load allocation. Cross-references in this subsection are updated.

Section 14: Amends s. 403.0882, F.S.

Section 403.0882(3)(a), F.S., sets forth a presumption of allowable discharge of demineralization concentrate and how this presumption may be overcome. Cross-references in this subsection are updated.

Section 15: Amends subsection (3) of section 1 of chapter 99-166, Laws of Florida.

Subsection (3) of Section 1 of chapter 99-166 sets forth exceptions to new or increased discharges into the coastal waters of the state within Pasco county. Cross-references are updated in this subsection.

Section 16: Amends s. 403.0872, F.S.

Section 403.0872(11)(a)(8), F.S., states that during 1993 - 1999, certain units are excluded from certain emission fees. This statutory subsection only applied up through 1999, and is now obsolete.

Section 403.0872(11)(c), F.S., calls for an audit of the major stationary source air operation permit program two years after the EPA has approved the program, or by the end of 1996,

whichever comes later. In addition, a biannual program audit is required after the first audit. This statutory subsection is obsolete and is to be repealed, however, the biannual program audit is existing law and should be retained.

Section 17: Repeals s. 403.08851, F.S.

Section 403.08851, F.S., provides an implementation of this act upon approval by the EPA of the National Pollutant Discharge Elimination System program of the state. Provides that no state permit be issued prior to July 1, 1994. This statutory section is now obsolete.

Section 18: Repeals s. 403.1826(6)(b), F.S.

Section 403.1826(6)(b), F.S., provides that the department may waive an accumulation requirement for a grantee of certain pollution and water sewage treatment grants where that grantee is in a county as defined in s. 125.011(1), F.S., and certifies to the department that an equivalent amount of money will be used. This subsection expires by its own terms on July 1, 2000 and therefore will become obsolete.

Section 19: Repeals s. 403.221, F.S.

Section 403.221, F.S., provides that no pending legal proceedings are to be abated because of any transfers made in this section. This section dates back to at least 1967 and the pending legal proceedings intended under this statute are now moot. This statutory section is therefore outdated and obsolete.

Section 20: Amends s. 403.7046(1), F.S.

Section 403.7046(1), F.S., states that after January 1, 1994, any person who handles recovered materials is to make an annual certification to the department. This is the existing requirement. Therefore, the date served its purpose and is to be removed from this subsection since it is now obsolete.

Section 21: Amends s. 403.703(10), F.S.

Section 403.703(10), F.S., sets forth the definition of "solid waste management facility". The cross-reference is updated.

Section 22: Amends s. 403.7049, F.S.

Section 403.7049(1), F.S., provides that within 1 year of October 1, 1988 or within 1 year after the rules are established by the department, each county is to determine the full cost of solid waste management within their service area for a one year period beginning October 1, 1988. The full cost is to be updated annually. In addition, rulemaking is to be initiated to develop a method for local governments to use in calculating the full costs and at least one public hearing is to be held by March 1, 1989. Although this is still the existing standard, the dates have become obsolete and therefore, the date references are to be deleted.

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Section 403.7049(2)(a), F.S., states that within 1 year from October 1, 1988, each municipality is to establish a system to inform the users of solid waste management services of the full cost for solid waste management. Although this is still the existing standard, the dates have become obsolete and therefore, the date references are to be deleted.

Section 23: Amends s. 403.706, F.S.,

Section 403.706(18), F.S., states that on or after July 1, 1989 each operator of a solid waste management facility, owned or operated by or on behalf of a county or municipality, shall weigh all of the solid waste when it is received. (This will not apply to any facility which will not be in use 1 year after October 1, 1988.) Although this is still the existing standard, the dates have become obsolete and therefore, the date references are to be deleted.

Section 24: Amends s. 403.707, F.S.

Section 403.707(1), F.S., states that effective October 1, 1989, any permit conditions needed to achieve compliance with the recycling requirements of this act may be included in solid waste construction permits issued under this section. Although this is still the existing standard, the dates have become obsolete and therefore, the date references are to be deleted.

Section 25: Amends s. 403.708, F.S.

Section 403.708(2), F.S., states that no beverage is to be sold in a beverage container that is opened by detaching a metal ring or tab after January 1, 1989. Although this is still the existing standard, the dates have become obsolete and therefore, the date references are to be deleted.

Section 403.708(9), F.S., states that no person is to distribute or sell a product packaged in a container or packing material that is made with fully halogenated chlorofluorocarbons or CFC on or after October 1, 1990. Although this is still the existing standard, the dates have become obsolete and therefore, the date references are to be deleted.

Section 26: Repeals s. 403.7095(8) and (9), F.S.

Section 403.7095(8), F.S., provides that for the fiscal year 1999-2000 the department is to provide counties with at least 80 percent of the funding that they received in FY 1997-98 for solid waste management and recycling grants if the counties have a population under 100,000. This statutory provision only applied to FY 1999-00 and therefore, has become obsolete.

Section 403.7095(9), F.S., states that for FY 1999-2000, the department shall provide 10 percent of the remaining funds to counties for innovative programs. This statutory provision only applied to FY 1999-2000 and therefore the department's FY 1999-2000 grant program has become obsolete.

Section 27: Amends s. 403.716, F.S.

Section 403.716(3), F.S., provides that after July 1, 1991, a person may not perform the duties of an operator of a landfill and after July 1, 1994, a person may not perform the duties of an operator of a waste-to-energy facility and other certain facilities without first

completing an approved operator training course. This is the current requirement. These dates have served their purpose, therefore, the date references are to be removed from this statutory subsection.

Section 28: Amends s. 403.718, F.S.

Section 403.718(1), F.S., provides that during the period from January 1, 1989 through December 31, 1989 a fifty-cent fee is to be imposed on each new tire sold. Beginning January 1, 1990, the fee shall increase to \$1 for each new tire sold. This is the current fee, and therefore, these dates have served their purpose and are now obsolete.

Section 29: Amends s. 403.7186, F.S.

Section 403.7186(2), F.S., states that after July 1, 1994, the Secretary may, by rule, designate certain sections of the state as those sections in which a person may not place certain mercury-containing devices in a mixed solid waste stream. In addition, after January 1, 1996, a mercury-containing device shall not be knowingly disposed of in a landfill. These are the current requirements and these dates have served their purpose and are now obsolete.

Section 403.7186(3), F.S., provides that after July 1, 1994, mercury-containing lamps are not to be incinerated. Section 403.7186(4)(a) and (b), F.S., provide that after July 1, 1994, disposal of more than 10 spent lamps per month is to be arranged at permitted landfills and the department may, by rule, designate regions of the state where such disposal shall be arranged at appropriate remitted reclamation facilities. These are the current requirements and these dates have served their purpose and are now obsolete.

Section 30: Amends s. 403.7191, F.S.

Section 403.7191(3), F.S., provides that after July 1, 1996 a manufacturer or distributor may not sell a package or packaging component with a total concentration of lead, admium, mercury, and hexavalent chromium that exceeds 100 parts per million by weight. This date has served its purpose and is no longer necessary and therefore the date reference is to be deleted.

Section 403.7191(5), F.S., states that each manufacturer shall provide a certificate of compliance to the purchaser of a packing component which states that the component in compliance with provisions of this act no later than July 1, 1994. This date has become obsolete and therefore the date reference is to be deleted.

Section 31: Amends 403.7192, F.S.

Section 403.7192(2)(a), F.S., states that after July 1, 1993, a person is not to sell an alkaline-manganese or zinc-carbon battery that contains more than .025 percent mercury by weight. Furthermore, after January 1, 1996, a person may not sell such a battery that contains intentionally introduced mercury and more than .0004 percent mercury by weight. These are the current standards and these dates have served their purpose and are no longer needed, therefore, the date references are to be deleted.

Section 403.7192(2)(c), F.S., provides that after October 1, 1993 a person is not to sell a product or dry cell battery containing a mercuric oxide electrode. This date has also served its purpose and therefore, the date reference is to be deleted in this statutory section.

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Section 403.7192(3)(a), F.S., states that a person may not place certain dry cell batteries in a mixed solid waste stream after January 1, 1994. This date has served its purpose and its reference may be deleted.

Section 403.7192(4), F.S., provides that on or after October 1, 1993, certain persons shall not sell products that are powered by rechargeable batteries unless certain criteria are met. This date has served its purpose and therefore this date reference is to be deleted.

Section 403.7192(5)(a), F.S., states that the secretary may authorize exceptions to (4) if the product was available for sale on or before May 12, 1993, and the product could not be redesigned and manufactured by January 1, 1994. These dates are obsolete and therefore, this statutory subsection is to be repealed.

Section 403.7192(6), F.S., provides that manufacturers and distributors must meet certain requirements 6 months after the report required in subsection 7(b) is due to the department and by October 1, 1993. These dates have served their purposed and are no longer applicable, therefore, these date references are to be deleted.

Section 403.7192(7)(a), F.S., provides for the implementation of pilots projects for the collection and transportation of batteries and products within twelve months after the effective date of this subsection. Section 403.7192(7)(b), F.S., provides that within twenty-five months after the effective date of this subsection, the final results of the pilot projects shall be reported to the department. This subsection is now obsolete and therefore is to be repealed.

Section 403.7192(8), F.S., provides for the effective dates of the subsections within this statutory section. This subsection is no longer needed and therefore, it is to be repealed.

Section 32: Repeals s. 403.7199, F.S.

This council no longer convenes and appointments are no longer made. This statutory section is obsolete and is to be repealed.

Section 33: Repeals s. 403.724(5), F.S.

Section 403.724(5), F.S., states that all hazardous waste facilities in operation on October 1, 1980 are to establish financial responsibility within one year after the effective date of the rules, or have the requirement waived. This statutory section is obsolete and therefore is to be repealed.

Section 34: Amends s. 403.7265, F.S.

Section 403.7265(2), F.S., states that by March 1, 1991, the department is to develop a statewide local hazardous waste management plan which will ensure collection and management of hazardous waste from small generators and household generators. This subsection also sets forth the contents of the plan. The date is obsolete and therefore, the date reference is to be repealed.

Section 35: Amends s. 403.767, F.S.

Section 403.767(1), F.S., states that after January 1, 1990, any person who transports more than 500 gallons annually of used oil over public highway must be certified. This date is obsolete and therefore, the date reference is to be deleted.

Section 36: Amends s. 403.769, F.S.

Section 403.769(2), F.S., provides that by January 1, 1990 the department is to develop a permitting system for used oil processing facilities after certain considerations. This date is obsolete, and therefore, this date reference is to be deleted.

Section 37: Repeals chapter 533, F.S.

This act addresses deposits for mine wastes, the escape of mine waste into streams and rivers, injunctions for mining operations as well as attorney's fees and penalties for violating this act. The contents of this act are covered in other statutes. This act is obsolete and no longer in use, and therefore it is to be repealed.

Section 38: This section provides for an effective date upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

none

2. Expenditures:

none

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

none

2. Expenditures:

none

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

none

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 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:

none

B. RULE-MAKING AUTHORITY:

none

C. OTHER COMMENTS:

none

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

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