

STORAGE NAME: h0967a.ca

DATE: March 8, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 967

RELATING TO: Manatee Co./Garden Trash/Collection

SPONSOR(S): Representative Ogles

TIED BILL(S): None

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

- (1) COMMUNITY AFFAIRS (PRC) YEAS 9 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill amends the powers of the Board of County Commissioners of Manatee County to provide for the storage, collection, transportation, and disposal of garden trash in addition to solid waste and junk. The bill removes obsolete language. The bill updates the basis of the service charge assessment and changes the services that may be suspended; provides that the county may provide by ordinance, rather than only by resolution, for penalties.

The Economic Impact Statement indicates no fiscal impacts on the county. Although, the bill updates the property against which service charges may be assessed, this change is consistent with existing ordinance.

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:

In 1957, the Florida Legislature authorized the Board of County Commissioners (Board) of Manatee County through chapter 57-1552, L.O.F, to provide for garbage collection and disposal. This authorization allowed the Board to grant franchises, prescribe and collect fees, and adopt rules, regulations, and penalties. The powers granted to the Board were subsequently amended in 1967 by chapters 67-1672 and 67-1678, L.O.F, and substantially revised in 1985 by chapter 85-457, L.O.F.

C. EFFECT OF PROPOSED CHANGES:

The bill adds "garden trash" to the list of materials that the Board is authorized to collect. The bill updates already existing power of the county to make the "existence" and not just the "occupancy" of a place of abode or business prima facie evidence that solid waste, junk, and garden trash are being accumulated and requires service charges to be paid to the county; provides that the county may provide by ordinance, rather than only by resolution, for penalties; adds "reclaimed water systems" to the list of services that may be suspended for nonpayment of collection service charges. Other changes in the bill are stylistic and delete obsolete language.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides that chapter 85-457, L.O.F. is amended as follows:

Section 1 of chapter 85-457, L.O.F. is amended to provide that the Board is authorized to adopt reasonable rules and regulations for the storage, collection, transportation, and disposal of "garden trash" in addition to solid waste and junk.

Section 2 of chapter 85-457, L.O.F. is amended to provide stylistic changes and adds "garden trash" to the list of materials that the Board is authorized to collect and dispose.

Section 3 of chapter 85-457, L.O.F. is amended to provide stylistic changes and remove obsolete language relating to the limitation on when and where applications for a franchise had to be filed and the requirement that the board consider the application.

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Section 4 of chapter 85-457, L.O.F. is amended to provide stylistic changes and expands the description of the facilities that the county can operate to include junk and garden trash and expands the purposes for which fees can be used to include the operation of facilities and enforcement.

Section 5 of chapter 85-457, L.O.F. is amended to provide word additions to the section.

Section 6 of chapter 85-457, L.O.F. is amended to provide that the Board may avail itself of any lawful remedies rather than limiting the Board to the circuit court.

Section 7 of chapter 85-457, L.O.F. is amended to provide word additions to the section.

Section 8 of chapter 85-457, L.O.F. is amended to add "garden trash" to the list of collected materials. Makes the "existence" and not just the "occupancy" of a place of abode or business prima facie evidence that solid waste, junk, and garden trash are being accumulated and that service charges are due to the county. Provides that the county may provide by ordinance, rather than just by resolution, for penalties. Adds "reclaimed water systems" to the list of services that may be suspended for nonpayment of collection service charges.

Section 9 of chapter 85-457, L.O.F. is amended to repeal chapter 85-457, L.O.F.

There are no changes to section 10 of chapter 85-457, L.O.F.; repeats current law.

There are no changes to section 11 of chapter 85-457, L.O.F.; repeats current law.

Section 12 of chapter 85-457, L.O.F. is amended to add "garden trash" to the list of collected materials for which the Board may enact resolutions and ordinances.

Section 2: Provides an effective date of July 1, 2000.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 2, 2000

WHERE? Bradenton Herald

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

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IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Kyle V. Mitchell

Joan Highsmith-Smith