

STORAGE NAME: h0009s1.lgva.doc
DATE: April 9, 2001

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
LOCAL GOVERNMENT & VETERANS AFFAIRS
ANALYSIS**

BILL #: CS/HB 9
RELATING TO: Solid waste management facilities
SPONSOR(S): Committee on Natural Resources & Environmental Protection and Representative Ball
TIED BILL(S): None

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

- (1) NATURAL RESOURCES & ENVIRONMENTAL PROTECTION (RIC) YEAS 11 NAYS 0
 - (2) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC)
 - (3) COUNCIL FOR READY INFRASTRUCTURE
 - (4)
 - (5)
-

I. SUMMARY:

This bill requires an applicant for a permit to construct or substantially modify a solid waste management facility to notify the local government having jurisdiction over the facility of such filing. The applicant will also be required to publish notice in a newspaper of general circulation of the filing of the application for a permit. The bill directs the Department of Environmental Protection not to issue the permit until the applicant demonstrates the required notices have been given.

The bill is anticipated to have an insignificant fiscal impact.

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:

N/A

B. PRESENT SITUATION:

Section 403.707, Florida Statutes, provides that no solid waste management facility may be operated, maintained, constructed, expanded, modified, or closed without an appropriate permit. A solid waste management facility is defined as:

“ . . . any solid waste disposal area, volume reduction plant, transfer station, materials recovery facility, or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste . . . ”
(Section 403.702(10), Florida Statutes)

However, certain recovered materials dealers are exempt from this requirement. (Section 403.7046, Florida Statutes)

In addition to requiring permits for solid waste management facilities, section 403.707, Florida Statutes, outlines the DEP's duties, responsibilities, and procedures for issuance of such permits.

Applicants for solid waste management facilities currently seek local approval and the DEP approval in a concurrent manner, and often receive the DEP permit prior to obtaining the necessary zoning approval to build a facility.

C. EFFECT OF PROPOSED CHANGES:

The bill would add a new subsection (14) to section 403.707, Florida Statutes. This new requirement would direct that applicants for a permit to construct or substantially modify a solid waste management facility must inform the local government with appropriate jurisdiction of such filing. This notice must occur on or before the day such permit is filed. The applicant is also directed to publish notice in a newspaper of general circulation of their filing for a permit. Finally, the DEP is directed to withhold issuance of any permit until provided proof by the applicant that required notices have been given.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Creates section 403.707(14), Florida Statutes; provides that applicants for a permit to construct or substantially modify a solid waste management facility must inform the local government with appropriate jurisdiction of such filing; provides the applicant must publish notice in a newspaper of general circulation of the filing of the application for a permit; directs the Department of Environmental Protection to withhold issuance of any permit until provided proof by the applicant that required notices have been given.

Section 2: Provides an effective date of upon becoming a law.

II. 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.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require municipalities or counties to spend money or to take action that requires a significant expenditure of money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that municipalities or counties have to raise revenues.

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

The bill does not reduce the percentage of state tax revenues shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor has proposed an amendment that provides:

- Amends section 403.71851, Florida Statutes, to replace lead-containing materials grants with electronics recycling grants. The amendment authorizes the use of funds from the Solid Waste Management Trust Fund as grants to certain Florida businesses that recycle certain electronic equipment. The amendment provides that counties may also use the grants to develop methods to collect and transport electronics to be recycled provided that such methods are comprehensive in nature.

VI. SIGNATURES:

COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION:

Prepared by:

Wayne Kiger

Staff Director:

Wayne Kiger

AS REVISED BY THE COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Christopher J. Shipley

Staff Director:

Joan Highsmith-Smith