

**STORAGE NAME:** h0009.doc

**DATE:** March 16, 2001

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION  
ANALYSIS**

**BILL #:** HB 9

**RELATING TO:** Solid waste management facilities

**SPONSOR(S):** Representative(s) Ball

**TIED BILL(S):**

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

- (1) NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
  - (2) LOCAL GOVERNMENT AND VETERANS AFFAIRS
  - (3) COUNCIL FOR READY INFRASTRUCTURE
  - (4)
  - (5)
- 

I. SUMMARY:

HB 9 would require applicants for a permit to construct, expand, or increase the capacity of a solid waste management facility to provide documentation from the local government, with jurisdiction, indicating compliance with local zoning and land use regulations. In addition, the bill directs the Department of Environmental Protection (DEP) to withhold the issuance of any permit until such documentation is submitted.

The bill is anticipated to have an insignificant fiscal impact.

The bill would take effect October 1, 2001.

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:

Section 403.707, F.S., 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.” (s. 403.702(10))

However, certain recovered materials dealers are exempt from this requirement. (see s. 403.7046, F.S.)

In addition to requiring permits for solid waste management facilities, s. 403.707, F.S., outlines the DEP’s duties, responsibilities and procedures for issuance of such permits.

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

C. EFFECT OF PROPOSED CHANGES:

The bill would add a new subsection (14) to s. 403.707, F.S. The new language would require that any applicant seeking to construct, expand, or significantly increase capacity for a solid waste management facility shall provide the DEP with documentation from the relevant local government stating that such facility or activity is expected to comply with all local zoning and land use regulations. The DEP is directed to withhold the issuance of any permit decision until such documentation is submitted. In addition, if such documentation is not submitted prior to the DEP issuing an intent to permit, the time periods under Chapter 120 (Administrative Hearings) are tolled until 14 days after the documentation is submitted.

D. SECTION-BY-SECTION ANALYSIS:

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

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:

N/A

D. FISCAL COMMENTS:

N/A

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:

N/A

B. RULE-MAKING AUTHORITY:

N/A

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C. OTHER COMMENTS:

According to the DEP analysis of the bill, some delays in the DEP's permitting time frames may occur. However, the bill may provide a valuable screening tool for those facilities that are not able to obtain proper zoning or comply with local zoning regulations. The bill would also assure that local governments know when an applicant proposes to build a new facility or expand an existing facility.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VI. SIGNATURES:

COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION:

Prepared by:

Staff Director:

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Wayne Kiger

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