

STORAGE NAME: h0009s1.nrep.doc
DATE: March 16, 2001

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

BILL #: CS/HB 9

RELATING TO: Solid waste management facilities

SPONSOR(S): Committee on Natural Resources and Environmental and Representative(s) Ball

TIED BILL(S):

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

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

I. SUMMARY:

CS/HB 9 would require applicants 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 notice in a newspaper of general circulation their intent to seek a permit. In addition, the bill directs the Department of Environmental Protection (DEP) to withhold the issuance of any permit until the applicant demonstrates they have satisfied the notice requirements.

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. This new requirement would direct that applicants for a permit to construct or substantially modify a solid waste management facility shall inform the local government with appropriate jurisdiction of such filing. This notice shall 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 they have satisfied the notice requirements detailed above.

The bill would take effect on October 1, 2001.

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.

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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:

On March 20, 2001, the Committee on Natural Resources and Environmental Protection adopted a strike everything amendment and then approved the bill as a committee substitute. The previous bill required that applicants obtain the necessary zoning changes prior to the DEP issuing any permit. The amendment removed requirements related to obtaining proper zoning and replaced them with a series of public notification measures.

VI. SIGNATURES:

COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION:

Prepared by:

Staff Director:

Wayne Kiger

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