

STORAGE NAME: h0009s1.ric.doc
DATE: April 18, 2001

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE
COUNCIL FOR READY INFRASTRUCTURE
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) YEAS 6 NAYS 0
 - (3) COUNCIL FOR READY INFRASTRUCTURE YEAS 16 NAYS 0
 - (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.

On April 12, 2001, the Committee on Local Government & Veterans Affairs adopted a strike-everything amendment. The amendment, which is traveling with the bill, is explained in this bill analysis. (See section V. "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES".)

On April 18, 2001, the Council for Ready Infrastructure adopted a substitute strike-everything amendment to the amendment mentioned above. The amendment is traveling with the bill and is explained in this analysis. (See section V. "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES".)

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, 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 Department of Environmental Protection’s duties, responsibilities, and procedures for issuance of such permits.

Applicants for solid waste management facilities currently seek local approval and the Department of Environmental Protection (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 subsection requires applicants for a permit to construct or substantially modify a solid waste management facility to inform the local government with appropriate jurisdiction of such filing. The notice to local government must occur on or before the day the application for a permit is filed. The applicant must also publish notice, in a newspaper of general circulation, of filing application 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:

On April 12, 2001, the Committee on Local Government & Veterans Affairs adopted a strike-everything amendment. The amendment, which is traveling with the bill, differs from the original bill as follows:

- Conforms the bill to the Senate companion (SB 834).
- Amends section 403.71851, Florida Statutes, to replace lead-containing materials grants with electronics recycling grants. The bill, as amended, authorizes the use of funds from the Solid Waste Management Trust Fund as grants to certain Florida businesses that recycle certain electronic equipment. The bill, as amended, also provides that counties may use the provided grants to develop methods to collect and transport electronics to be recycled provided that such methods are comprehensive in nature.

On April 18, 2001, the Council for Ready Infrastructure adopted a substitute strike-everything amendment to the amendment mentioned above. The substitute amendment does the following:

- Conforms the bill to changes made in the Senate companion (SB 834).
- Includes all the provisions in the previous strike-everything amendment.
- Also, amends section 165.061, Florida Statutes, to require plans for incorporation of new municipalities to honor, for five years or the remainder of the contract, existing solid waste contracts in the affected geographic area

VI. SIGNATURES:

COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION:

Prepared by:

Staff Director:

Wayne Kiger

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

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AS FURTHER REVISED BY THE COUNCIL FOR READY INFRASTRUCTURE:

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