

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** HB 669

Pinellas County

**SPONSOR(S):** Berfield

**TIED BILLS:**

**IDEN./SIM. BILLS:**

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government Council</u>	<u>6 Y, 0 N</u>	<u>Dominguez</u>	<u>Hamby</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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### SUMMARY ANALYSIS

The Pinellas County Environmental Enforcement Act (ch. 90-403, L.O.F) was enacted in 1990. The act authorizes the Pinellas County Board of County Commissioners to pursue civil actions to establish liability and to recover specified environmental damages caused by any violations of county ordinances, rules or regulations. The act also authorizes the county to institute civil actions to recover civil penalties in an amount that is no greater than \$5,000 per offense.

The funds collected by related civil actions are used to assist in the enforcement of environmental ordinances and regulations and to mitigate damages to air, water, and soil, including air, water, and soil degradation, alteration, and elimination. Funds are also used for the protection of natural resources, animal and plant life.

This bill amends the Pinellas County Environmental Enforcement Act to allow the County to seek civil penalties that are no greater than \$10,000 per offense.

The Economic Impact Statement indicates that the bill will result in increased revenues of \$15,000 for FY 2005-06 and \$15,000 for FY 2006-07.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Promote Personal Responsibility** – The bill increases the amount that Pinellas County can seek for violations of environmental ordinances, through civil action, from no greater than \$5,000 to no greater than \$10,000 per offense. The funds recovered from civil actions are used to further enforce environmental ordinances and regulations and to mitigate damages.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

Currently, Pinellas County is authorized through the Pinellas County Environmental Enforcement Act, ch. 90-403, L.O.F., to pursue civil actions to establish liability and recover environmental damages caused by any violation of county ordinances, rules, or regulations. The County is authorized to institute civil actions to impose and recover civil penalties in an amount of no more than \$5,000 for each offense. The funds recovered from civil actions are used to further enforce environmental ordinances and regulations and to mitigate damages.

Under the act, damages may be recovered for air, soil, and water pollution, or for degradation, alteration, or elimination of or to air, soil, or water natural resources or animal or plant life, in Pinellas County.

##### **Effect of Proposed Changes**

This bill amends ch. 90-403, L.O.F., and increases the maximum penalty the County can seek for each violation from \$5,000 to \$10,000.

Currently, the Department of Environmental Protection is authorized to institute civil actions to impose civil penalties that are no greater than \$10,000 per offense for violations of ch. 403, F.S.<sup>1</sup> The violations addressed in this section of ch. 403, F.S., are similar to those featured in the Pinellas County Environmental Enforcement Act.

#### C. SECTION DIRECTORY:

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|-----------|--|
| Section 1 | Amends subsection 1 of section 4 of ch. 90-403, L.O.F., pertaining to civil penalty; authorizing the imposition of civil penalties that are no greater than \$10,000 |
| Section 2 | Provides that the act become effective upon becoming a law.  |

### II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

#### A. NOTICE PUBLISHED?    Yes [X]    No []

IF YES, WHEN?

January 28, 2005

WHERE?

Gulf Coast Business Review

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<sup>1</sup> Section 403.121(1)(b)

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 ☐

### **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Revenue:

Currently, the \$5,000 penalty limit provides the county approximately \$15,000 a year. According to the Economic Impact Statement, it is estimated that the increased penalty would generate approximately \$30,000 a year.

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

None.