

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 764

INTRODUCER: Senator Baxley

SUBJECT: Certified Pile Burning

DATE: January 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhvein	Becker	AG	Pre-meeting
2.			AEG	
3.			AP	

I. Summary:

SB 764 removes a statutory provision that requires certified pile burning to be restricted to the site on which the debris originated.

II. Present Situation:

A certified pile burn is the burn disposal of piled, naturally occurring debris from agricultural, silvicultural, land-clearing, or tree-cutting debris originating onsite. Open burning, which includes pile burning, is authorized by the Florida Forest Service within the Department of Agriculture and Consumer Services. A burn authorization from the Florida Forest Service must be obtained on the day of the burn. The Florida Forest Service manages more than 1 million acres of state forests and provides forest management assistance on more than 17 million acres of private and community forests. It is also responsible for protecting more than 26 million acres of homes, forestland, and natural resources from the devastating effects of wildfire.

III. Effect of Proposed Changes:

Section 1 amends s. 590.125, F.S., to remove a statutory provision that requires certified pile burning to be restricted to the site on which the debris originated.

Section 2 provides that this act shall take effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The Department of Agriculture and Consumer Services has indicated that this bill will change how debris is classified and handled. If allowed to be hauled off-site, it becomes a debris management issue that falls under the Department of Environmental (DEP) Protection's Solid Waste Section. Burning debris off-site would require a person to obtain a permit from DEP and to use an air curtain incinerator.

C. Government Sector Impact:

The bill would require the Florida Forest Service to update regulations for its pile burning program. The Florida Forest Service has also indicated a concern that pile burning of offsite debris at one location might become continuous and might allow pests and diseases to be transferred from one location to another.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 590.125 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
