

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 834

SPONSOR: Comprehensive Planning, Local and Military Affairs and Senator Bronson

SUBJECT: Solid Waste Management Facilities

DATE: April 10, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Voigt</u>	<u>NR</u>	<u>Fav/1 amendment</u>
2.	<u>Bowman</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This committee substitute (CS) bill requires an applicant for a permit to construct, expand, or increase the capacity of a solid waste management facility to provide documentation from the affected local government that the proposed activity complies with local zoning and land use restrictions. The Department of Environmental Protection (DEP) is prohibited from issuing the permit until such documentation is provided.

This CS amends ss. 403.707 and 403.71851, F.S.

II. Present Situation:

Pursuant to s. 403.707, F.S., no solid waste management facility may be operated, maintained, constructed, expanded, modified, or closed without an appropriate and currently valid permit issued by the Department of Environmental Protection (DEP.) In addition, solid waste management facilities must comply with all local zoning ordinances and the local land use regulations. However, there is no requirement that a permit applicant must seek local approval to build, expand or otherwise modify a solid waste management facility prior to obtaining a permit from the DEP.

In recent years, the DEP has experienced situations where after a lengthy review of a permit application, it issues its intent to issue the permit only to discover that the proposed facility does not comply with local zoning or land use regulations. On the other hand, local governments are sometimes reluctant to approve an activity if the activity cannot be permitted by the DEP.

III. Effect of Proposed Changes:

This committee substitute requires an applicant for a permit for a solid waste management facility to notify the local government with jurisdiction over the facility before or on the same day of the filing of the permit application with the Department of Environmental Protection. The bill also requires the applicant to publish newspaper notice of the filing of the application in a newspaper of general circulation in the area where the facility will be located. Further, the department shall not issue the requested permit until the applicant has provided the department with proof that the notices have been given.

The committee substitute also amends s. 403.71851, F.S., to authorize the department to use solid waste management funds to make grants to Florida-based businesses with 5 or more years' experience in electronics recycling to recycle electronics such as commercial telephone switching equipment, computers, televisions, computer monitors and other products that utilize lead-containing cathode ray tubes. The funding shall be used for demonstration projects with one or more counties for countywide comprehensive electronics recycling where that term means recycling that provides service to the private sector, nonprofit organizations, governmental agencies and the residential sector. This funding may also be used for grants to counties to develop methods to collect and transport electronics to be recycled provided such methods are comprehensive in nature.

The Department of Environmental Protection is required to conduct a comprehensive review of the waste reduction and recycling goals set out in s. 403.706, F.S., and other legislative requirements in view of reduced available funding for these purposes. The review shall include, but is not limited to:

- The appropriateness of maintaining, extending, or revising the goals;
- The effectiveness of current programs for meeting the goals;
- The role of Keep Florida Beautiful, Inc.;
- The need to continue those programs; and
- Alternative strategies and techniques for meeting the needs of the programs.

The department shall consult with persons knowledgeable about recycling and waste reduction, including, but not limited to, representatives of local government, the private recycling industry, and private waste management industry. The department shall issue its report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 30, 2001. This provision was included in the Governor's recommended budget because of the continuing decreases being made to the funds for solid waste management. The purpose of the study is to make recommendations as to how these recycling goals, grants and other requirements should be amended to conform to reduced state funding for these purposes.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Since the permit applicant must currently obtain both local zoning and land use approval and a permit from the DEP, no additional requirement is placed on the permit applicant. However, the applicant may experience some increased costs due to some permitting delays that may occur since the local government approval is required before the DEP can issue its permit.

This bill could clarify the process for the permit applicant by specifying which approval must come first.

C. Government Sector Impact:

This bill is not expected to significantly impact the fiscal and staff resources of the Department of Environmental Protection. The DEP could still proceed to review the permit application; however, it cannot issue the permit until it receives the appropriate documentation from the local government regarding zoning and land use regulations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.