

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: SB 834
 SPONSOR: Senator Bronson
 SUBJECT: Solid Waste Management Facilities
 DATE: March 8, 2001 REVISED: 03/27/01 _____

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

I. Summary:

This 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 DEP is prohibited from issuing the permit until such documentation is provided.

This bill amends s. 403.707, 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 bill amends s. 403.707, F.S., to require an applicant for a permit from the DEP to construct, expand, or significantly increase the capacity of a solid waste management facility to provide the DEP with documentation from any local governmental entity having jurisdiction over the facility which states that the proposed activity (construction, expansion, etc.) is expected to comply with all local zoning and land use regulations. This documentation may be provided at any time during the permit review process, but the DEP shall not issue a permit, including modification or renewal of an existing permit, until the documentation has been submitted. If the documentation is not submitted before the DEP issues an intent to issue the permit, then the time periods in ss. 120.60 and 403.0876, F.S., are tolled until 14 days after the documentation is submitted to the department. For purposes of the DEP's review of the permit application, it is presumed that the substance of the documentation from the local government is accurate and correct.

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:

#1 by Natural Resources:

This amendment 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 of the filing of the permit application with the Department of Environmental Protection. 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 amendment 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 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 with reduced state funding for these purposes.
(WITH TITLE AMENDMENT)

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
