

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1031 W/CS

Reuse and Recycling of Campaign Signs

**SPONSOR(S):** Russell

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 1542 (i), SB 1906 (s)

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>	<u>9 Y, 4 N, w/CS</u>	<u>Pugh</u>	<u>Miller</u>
2) <u>Environmental Regulation Committee</u>	<u>W/D</u>	<u></u>	<u></u>
3) <u>State Infrastructure Council</u>	<u>9 Y, 0 N, w/CS</u>	<u>Pugh</u>	<u>Havlicak</u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

State law directs political candidates to “make a good faith effort” to remove their campaign signs within days after elections, and allows cities and counties to impose stricter requirements. However, long after each campaign season, political signs continue to dot the landscape until they deteriorate due to the elements or are removed by local government sanitation crews, property owners, or community cleanup crews.

The Department of Environmental Protection (DEP) estimates that 356 tons of campaign signs were generated during the 2004 General Election, which included a presidential campaign. No statistics are readily available on how many tons of campaign signs are taken to landfills after each campaign season, nor how many are recycled. DEP research indicates that the recycling market for campaign signs is minimal.

HB 1031 w/CS directs the Department of Environmental Protection (DEP) to implement by 2006 a pilot project encouraging the recycling of campaign signs. At a minimum, DEP shall identify two large counties and two small counties to establish central depositories for used campaign signs and to make such signs available, at no cost, to schools and other entities that may have a use for them, and to companies that can recycle the materials from which the signs are made into new materials or products. DEP is required to submit details for the program along with a request for funds from the Solid Waste Management Trust Fund to the Governor and the Legislature prior to the start of the 2006 regular legislative session.

The bill has no immediate fiscal impact to the state, and an indeterminate future impact on local governments that operate landfills.

HB 1031 w/CS raises no apparent constitutional or other legal issues. It would take effect July 1, 2005.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

HB 1031 w/CS does not appear to implicate any House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

##### Background

During any election – local, state, or federal – campaign signs are posted throughout each candidate's district. Many of those signs are posted in yards of private citizens, since s.106.1435, F.S., prohibits such signs being placed on state or county rights-of-way. This section of law also directs candidates to "make a good faith effort to remove all of his or her political campaign advertisements within 30 days after: (a) Withdrawal of his or her candidacy; (b) Having been eliminated as a candidate; or (c) Being elected to office." Finally, the law allows local governments to impose stricter requirements and impose fines, and according to DEP research, many cities and counties have done just that, so the issue of leftover campaign signs is less of a litter issue than a recycling problem.

Most signs are made of either polyethylene-coated cardboard or corrugated polypropylene, and are nailed, stapled or glued to wooden or galvanized steel stakes. Generally, there appears to be a low-market value for these materials. An Internet search revealed that small-scale recycling is occurring in Florida and elsewhere; for example, some schools and civic organizations have used the signs and stakes for craft projects, and community gardeners have used the stakes and wire to support climbing vegetable plants and flowering vines. But there appears to be a minimal commercial or industrial market for recycled campaign signs.

Some states have attempted to create a market, with little success, according to DEP research:<sup>1</sup>

- City of New Orleans' partnership with Green Project Recycling: In 2004, city officials partnered with Green Project Recycling to get campaign signs recycled. The city Sanitation Department collected signs from the public rights-of-way and took them to the Green Project facility for sorting and recycling. The facility was unable to get any of the local material processors to take any of the signs; however they were able to salvage many of the steel and wood stakes for reuse by local political parties. The city reported that the project was very labor intensive and did not appear to have a large impact on the amount of material disposed in the landfill. City officials said they will not attempt this again.
- Experience of 2003 Provincial Election in Québec: With the help of the political parties, Québec officials promoted a program to recycle an estimated 239 metric tons of plastic campaign signs. The political parties were given a list of recyclers who accepted the type of plastic used to make the signs. But a later survey of the recyclers determined that no signs had been recovered. These results may have been attributed to the reuse of the plastic signs by schools, farmers, and others. The wood stakes used in holding the signs also appeared to be in high demand for reuse.
- Eugene, Ore., "Leave No Sign Behind" campaign: On November 20, 2004, a Eugene organization, BRING Recycling, teamed up with Lane County Waste Management to launch "Leave No Sign Behind." The signs typically were made of cardboard covered in plastics. To be recycled the signs had to be free of staples, tape and stakes. About 3 tons of signs were collected with roughly half of the signs going to a Chinese company who paid 5 cents a pound. Of the remaining 1.5 tons, all the corrugated signs were requested by local schools and the general public for reuse. A large number of signs also were taken back by candidates.

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<sup>1</sup> Memo drafted by Peter Goren, Environmental Manager of DEP's Recycling Program. Copy on file with the House Transportation Committee.

Currently in Florida, there is no statewide mechanism to collect, store, or transport old campaign signs to a recycling facility, of which DEP research indicates there are 19 such facilities in 16 counties. The vast majority of the old campaign signs currently end up in landfills as solid waste. DEP staff estimates that approximately 356 tons of campaign signs were generated in the last Presidential election in Florida, which is the type of election where one would expect to see the largest number of such signs. That sounds like a huge amount of trash, but is less than one-tenth of 1 percent of the 30 million tons of municipal solid waste Floridians generated in 2004.

#### Effect of Proposed Changes

HB 1031 w/CS takes the first step to create recycling markets for campaign signs. It directs DEP to implement a pilot project, by 2006, encouraging the recycling of campaign signs. DEP shall identify two large-population counties and two small-population counties, at a minimum, to establish central depositories for used campaign signs. Schools and other entities that can make use of the sign materials would be able to come to the depositories and take them, free of charge, as would companies that can recycle the materials from which the signs are made into new materials or products.

The bill also directs DEP to submit pilot program details, and a budget request for funds from the Solid Waste Management Trust Fund, to the Governor, the Speaker of the House of Representatives, and the President of the Senate prior to the start of the 2006 regular legislative session.

HB 1031 w/CS takes effect July 1, 2005.

#### C. SECTION DIRECTORY:

Section 1: Directs DEP to implement by 2006 a pilot program in at least four counties to promote recycling of campaign signs. Directs the agency to provide program details and a budget request prior to the 2006 legislative session.

Section 2: Provides an effective date of July 1, 2005.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

##### 2. Expenditures:

None in fiscal year 2005-2006, but the next fiscal year the Legislature could appropriate funds from the Solid Waste Trust Fund to DEP to use to set up the pilot program. See "D. FISCAL COMMENTS" below.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None in fiscal year 2005-2006, although in the next fiscal year, those four or more counties chosen to participate in the pilot program could receive modest grants as start-up funds for their central depositories.

##### 2. Expenditures:

Indeterminate. If these pilot programs prove successful and become popular statewide, thereby reducing the amount of old campaign signs disposed of in locally-owned landfills, then certain counties and cities could see a reduction, probably minimal, in tipping fee revenues.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The pilot program may promote commercial recycling of campaign sign materials, especially since the raw materials will be available free of charge to interested companies.

D. FISCAL COMMENTS:

Early in the Senate budget-drafting process, proviso language was offered that would have allowed DEP to spend up to \$50,000 to imitate a pilot program to recycle campaign signs. However, the proviso language was dropped. It is unknown whether DEP will request that same amount in its report to the Governor and Legislature next year.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This mandates provision is not applicable to HB 1031 w/CS because the legislation does not require counties or municipalities to expend local funds or to raise local funds, nor does it reduce their state revenue-sharing.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

DEP has sufficient rulemaking authority to implement the pilot program envisioned in this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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

#### Transportation Committee

At its **March 15, 2005**, meeting, the House Transportation Committee adopted without objection four amendments to HB 1031. Briefly:

- o Amendment #1 replaced the term "permitted waste processing facility," which was not defined in statute, with "materials recovery facility," which is defined.
- o Amendment #2 requires C&D materials transported to material recovery facilities to be weighed before they are uploaded or processed, and before they leave. A local government may request that an owner or operator of a material recovery facility document the amount and type of C&D debris that is handled at the facility, as well as the amount and type of debris later transported to a disposal site or
- o Amendment #3 originally specified that any current franchise agreement or contract granting exclusive collections for C&D debris or recovered C&D materials may remain in effect until its expiration date but no later than 24 months after the bill's July 1, 2005, effective date. An amendment to the amendment was adopted that removed the 24-months provision, so that existing exclusive agreements will remain in effect until they expire.

The Committee then voted 9 to 4 to report the bill favorably with CS.

#### State Infrastructure Council

At its **April 19, 2005**, meeting, the Council adopted without objection a strike-all amendment that changed the bill from relating to construction and demolition debris recycling to directing DEP to create by 2006 a pilot program promoting recycling of campaign signs in at least four counties. As amended, the bill directs DEP to submit program details and a budget to the Governor and legislative leaders prior to the start of the 2006 regular session.

The Council then voted 9-0 to report the bill as favorable with a Council Substitute.