1988

Session Law 88-130

Florida Senate & House of Representatives

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NOTES
Committee Documentation
Chapter 88-130

House. Committee on Natural Resources.

Folder on PCB NR-02 (H.B. 1487/S.B. 1192).
Final staff analysis (draft, dated 7-1-88).
Bill action worksheet dated 4-27-88, showing 49 amendments.
Amendments "offered in Appropriations 5-3-88" (25 amendments).
Staff analysis (draft, dated 5-13-88).
Amendments adopted 5-5-88 (approximately 42).
Copy of bill PCB NR-02, dated 2-19-88.
Staff analysis dated 5-3-88.

Meeting files (Subcommittee III), 1988.
Summary of draft PCB NR-02 dated 3-2-88 (11 pp.)
Staff analysis dated 3-1-88 (21 pp.)
Table of contents (2 pp.)
PCB dated 3-19-88.
Also PCB NR-03.
March 9, 1988 - workshop on Solid Waste.
Staff analysis dated 3-1-88 (21 pp.)
Table of contents (2 pp.)
PCB dated 3-19-88.
Also PCB NR-03.
Staff analysis dated 3-1-88 (21 pp.)
Staff analysis dated 3-29-88 (21 pp.)
April 5, 1988 - Solid Waste legislation.
Staff analysis dated 4-1-88.
PCB dated 3-29-88.
Amendments (2 large blocks, numbering uncertain).
April 11, 1988 - Solid Waste legislation.
Amendments (84).

Senate. Committee on Natural Resources.

Meeting files (Select Subcommittee on Solid Waste), 1988.
Proposal #1 - Findings and purpose (§403.702).
#2 - Goals (§187.201).
#3 - DER Powers and duties (§403.704).
#4 - Local government response (new §).
#5 - Landfill closure account (§403.7078).
#6 - Local recycling (new §).
Proposal 

#7 - Grants program (§§407.709, 403.7091, 403.7092, 403.7093).

#8 - State agencies (§§403.714, 287.074, 336.044).

#9 - Regional authorities (§163.90).

#10 - Infectious waste (new §§).

#11 - Pull-tabs and other (new §).

#12 - Waste tire program (new §§).

#13 - Used oil (§§403.75, 403.751, 403.753, 403.754, 403.757, 403.758, 403.759; new §§ 403.760, 403.7601, 403.7602, 403.761, 403.762, 403.763).

#14 - Tax credit (§220.185).

#15 - High Technology Council (§§240.539, 159.445).

#16 - Hazardous waste (§§403.7264, 403.7365).

#17 - Litter program (new §).

#18 - Clean-Up Florida, Inc. (new §).

#19 - [unlabeled folder – siting of hazardous solid waste management facilities].

NCR draft #8, dated 2-26-88, of Proposed Senate Bill (and tabular summary).

Tabular bill summary.

Amendments (54).
NCR draft #8 dated 3-10-88.

Folder on S.B. 1192.
Proposed CS dated 5-9-88, 8:07 pm? (145 pp.) Summary of conference committee amendments to cS/CS/SB 1192, undated.
Tabular bill summary, originally dated 3-18-88, re-dated in handwriting "4-21-88."
Amendments (29) dated 5-9-88.
"Funding Options," dated 5-3-88.
Testimony of Sewell Plastics.
"Major Features of Senate Solid Waste Bill," dated 5-3-88.
"Major Differences Between S.B. 1192 and Proposed CS," undated.
Staff analysis, dated 5-3-88, revised 5-12-88, by Stephens.
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### Tape Recordings

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ANNOTATIONS AND CITATIONS

SHEPARD'S FLORIDA EXPRESS CITATIONS. Colorado Springs, Colo.: Shepard's/McGraw-Hill, c1990-. RUN: Semimonthly. Vol. 1, no. 1 (Mar. 8, 1990)-. NOTES: Provides the latest analyzed citations to Florida cases, Florida statutes, and the Florida Constitution, updating the most recent issue of Shepard's Florida citations.

ARBITRATION AND AWARD


DISPUTE RESOLUTION


EDUCATION

FLORIDA EDUCATION DIRECTORY. Tallahassee, State of Florida Dept. of Education. RUN: 1975/76- CONTINUES: Florida educational directory

JUSTICE, ADMINISTRATION OF


MEDIATION

COUNTY COURT MEDIATION: A MEDIATOR'S MANUAL. Written by Joseph B. Stulberg; revised by Sharon Press. Tallahassee, Fla.: Florida Dispute Resolution Center, 1989. 11, 75 leaves.

REFUSE AND REFUSE DISPOSAL


WATER RESOURCES DEVELOPMENT

A LEGISLATIVE HISTORY OF AN ACT RELATING TO STORMWATER, FLORIDA, 1989 [SOUND RECORDING]; HEARING TAPES. Tallahassee, Fla.: Policy Studies Clinic, Florida State University College of Law, 1989. 10 sound cassettes. NOTES: Title from container. A project supported by a grant from Environmental and Land Use Law Section, Florida Bar. Recorded between Apr. 11 and May 17, 1989 in Tallahassee, Fla. CONTENTS: No. 1-5 Senate Natural Resources Committee hearings, 4/11/89-5/17/89 — no. 6-10 House Environmental Regulation Committee and its Subcommittee hearings, 4/13/89-4/26/89.

ILLINOIS

COURTS


LAWYERS


PUBLIC HEARING ON SOLID WASTE MANAGEMENT
COMMITTEE ON NATURAL RESOURCES OF THE
FLORIDA HOUSE OF REPRESENTATIVES

St. Petersburg City Council Chambers
St. Petersburg City Hall
175 Fifth Street North
St. Petersburg, Florida

October 20, 1987

AGENDA

9:30 a.m. Opening Remarks by Representative Michael Friedman,
Chairman of Subcommittee 3 of the Committee on Natural
Resources, Florida House of Representatives

9:35 a.m. Presentation by Marc Rogoff, HDR Techserv, Inc.

9:50 a.m. Presentation by a representative of the Pinellas
County Solid Waste Management Division

10:05 a.m. Presentation by a representative of the Sanitation
Department of the City of Tampa

10:20 a.m. Presentation by a representative of the Hillsborough
County Department of Solid Waste

10:35 a.m. Discussion and public comment

11:30 a.m. Adjourn
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<th>NAME/COMPANY</th>
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<tr>
<td>James Spruance</td>
<td>Pinellas Co.</td>
<td>813  462-3985</td>
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<tr>
<td>Terry Porter</td>
<td>DER - Tampa</td>
<td>813  623-7561</td>
</tr>
<tr>
<td>Steven Kaylor</td>
<td>Tampa Tribune</td>
<td>813  441-2818</td>
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<tr>
<td>David Goodwin</td>
<td>Tampa</td>
<td>813  873-7456</td>
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<tr>
<td>Ruth Freerson</td>
<td>Women's League of St. Petersburg</td>
<td>813  894-4789</td>
</tr>
<tr>
<td>Harvey Sharp</td>
<td>Waste Management, Tampa</td>
<td>813  626-3993</td>
</tr>
<tr>
<td>Mike Salmon</td>
<td>City of Tampa</td>
<td>813  223-8771</td>
</tr>
<tr>
<td>Joseph A. Betancourt</td>
<td>City of Tampa</td>
<td>(113) 223-8162</td>
</tr>
<tr>
<td>Lee Moffitt</td>
<td>Tampa</td>
<td>(813) 223-2333</td>
</tr>
<tr>
<td>Warren N. Smith</td>
<td>Ft. Lauderdale</td>
<td>(305) 771-9350</td>
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<tr>
<td>Patricia U. Berry</td>
<td>Hills City Solid Waste</td>
<td>(813) 272-6674</td>
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<tr>
<td>Marc J. Rogoff</td>
<td>HDR Techserv</td>
<td>(813) 287-1960</td>
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NOTICE
COMMITTEE MEETING

TO: JOE BROWN
SECRETARY OF THE SENATE

You are hereby notified that Select Committee on Solid Waste will meet Monday, November 2, 1987 from 10:00 A.M. until 2:00 P.M. in Room H, Senate Office Building and will consider the following:

Discussion of problems and issues relating to solid waste management and concepts for proposed legislation.

A. Presentation from Department of Environmental Regulation Secretary - Dale Twatchmann

B. Presentation from representative of the Association of Counties

C. Presentation on "landfill mining project" in Collier County - The Conservancy, Mr. Edward Johanson

D. Presentation from Mr. Edmund Benson, Miami, Florida - Anti-Pollution Committee

PRIOR to regular Session file 6 copies with Secretary of Senate at least 14 days before meeting (Rule 2.6) and DURING regular Session at least 2 days before meeting (Rules 2.1 and 2.8). File 1 copy with President, 1 copy with Sergeant-at-Arms.
Prepare Expanded Agenda

11-2-87 Senate Select Committee on Solid Waste

Tape 1
Opening remarks by Sen. Kirkpatrick
Presentation by Sec. Zwickmann, DER

Tape 2
DER prep. cont'd
Pres. by Mrs. Ann J. Cantini -- Glenn Ray

Tape 3
Glenn Ray prep. cont'd
Commissioner Coward: Alachua Co. & Ed. Culpepper, Public Works Director
Mr. James Luci: Anchor Glass

Tape 4
Mr. Luci prep. cont'd
Mr. Johnson: The Conservancy, Naples

Tape 5
Edmund Benson, Anti-Pollution Committee, Miami
Dick Holland, Professional Wrecker Operators
Mr. John Stanley, Stanley Pinder, Custom Carpenters Corp.
Chairman's Opening Remarks

This is the fourth meeting of the Senate Select Committee on Solid Waste. We have visited the Miami, Tampa, and Jacksonville areas, have met with business and government officials and have visited numerous landfills, resource recovery facilities, and recycling businesses. Today we are starting to focus our attention on areas where legislation may be needed. We will hear from Secretary Twachtmann of the Department of Environmental Regulation regarding his thoughts on legislation for next year and the Association of Counties, and others. After the presentations are made we will open the discussions to members of the audience who would like to make comments on this issue.

The staff will be working on a draft solid waste bill over the next few weeks. The committee would like to make certain that those of you who would like to share your views on this subject with the committee have that opportunity today or if you would prefer to talk with Committee members or staff at your convenience, feel free to do so. With that brief introduction, I'd like Secretary Twachtmann to address this Committee.
1. There have been several news articles lately promoting container deposit legislation. How much of the total waste stream is represented by containers? Do you feel such legislation is critical to solving Florida's solid waste problem?

2. During our field trips to refuse to energy facilities, we were told that their expectations for electric revenues had not been realized and that our current regulations operate at a disadvantage for these refuse to energy facilities. How important are electric revenues to the operation of refuse to energy facilities?

3. Florida has quite a number of refuse to energy facilities, with more in the planning stages. There are people who believe the air pollution control equipment on these facilities is not adequate. What does DER do to assure that these air emissions are safe? How important are these refuse to energy facilities to solving Florida's solid waste problem?

4. What kinds of solid waste disposal problems are created by special items like batteries, tires, furniture, mattresses, and other items? Does DER have any suggestions as to how local governments should handle these items?

5. If the Legislature were to authorize some type of grant program to help local governments start recycling programs or assist them in proper closure of old landfills, does the DER have any suggestions where the revenue for such activities could be raised?

6. Does the DER have any suggestions as to how markets for recycled products can be expanded or created?
NOTICE
COMMITTEE MEETING

TO: JOE BROWN
SECRETARY OF THE SENATE

You are hereby notified that Select Committee on Solid Waste will meet Monday December 7, 1987 from 10:00 A.M. until 1:00 P.M. in Room H, Senate Office Building and will consider the following:

Discussion of impacts of electric utility pricing policy on the operating costs of waste to energy facilities.
   - Perspectives from local governments operating waste to energy facilities
   - Perspectives from the electric utility industry
   - Perspectives from non-governmental cogeneration facilities
   - Other cogeneration issues

Discussion of other problems and issues relating to solid waste management and concepts for proposed legislation.

PRIOR to regular Session file 6 copies with Secretary of Senate at least 14 days before meeting (Rule 2.6) and DURING regular Session at least 2 days before meeting (Rules 2.1 and 2.8). File 1 copy with President, 1 copy with Sergeant-at-Arms.

[Signature]
CHAIRMAN
Select Committee on Solid Waste
Select Committee on Solid Waste

Page 1
Videotape from Plastic Industry
DER Secretary Twachtman
Thom Henneberger, FL Public Service Comm.

Page 2
PSC Cont’d (Henneberger)
Katie Nichols, PSC
Dale Walker, Gov’s Energy of.

Page 3
Dale Walker (Cont’d)
Joe Cresse
Richard Zambo

Page 4
Richard Zambo (Cont’d)
E.M. Loyless (W.R. Team & C.)
Doug Shelby (at Sen. K’s request)
Kathy Betancourt
Questions

Local Government Officials

1. Does the rate that waste-to-energy facilities receive adversely affect the financial feasibility of operating such facilities?

2. Do local officials believe that some type of minimum level of reimbursement for electric generation is essential?

3. What is the rationale for requiring electric utility customers to subsidize the rates of waste-to-energy facilities?

Electric Utilities

1. Why can't the electric utilities provide a better rate of reimbursement for power from waste-to-energy facilities?

2. Shouldn't the State of Florida be encouraging co-generation facilities as part of the long term power needs of the State?

3. How many of the investor-owned electric utilities are willing to allow their facilities to be used for incineration of refuse?

4. To what extent is the power generation capacity of co-generators considered in the total power needs of the State? Couldn't these co-generators help keep down the need for a major new electric utility?
Statement of Problems

Each Floridian generates more than five pounds of solid waste every day. This accounts for some 27,500 tons per day of residential and commercial solid waste. With the state population growing at a very rapid pace, the amount of solid waste which must be disposed of properly is also increasing. The State Comprehensive Plan calls for a 55 per cent reduction of the current volume of solid waste going to landfills by 1995.

At the present time, approximately 9,400 acres are devoted to solid waste land disposal in the state. Approximately one-third of this acreage will be closed to incoming waste by 1996. The average cost to close a landfill is $64,200 per acre and the average cost to construct a new landfill is $73,500 per acre. Currently, there are only 11 resource recovery facilities in the state, and 35 more are under construction or in the planning stages. This represents a $1.6 billion expenditure for landfill alternatives.

Among the problems faced by local governments responsible for providing solid waste services are:

a) limited acreage environmentally or politically suitable or available for new landfills;

b) new state and federal regulations requiring stringent landfill construction and closure measures;

c) prohibitive costs of regulatory compliance;

d) increased incidents of ground water pollution near landfill sites;

e) new landfills or alternative solid waste facilities are expensive;

f) hazardous waste is being deposited in landfills improperly; and

g) illegal dumping of solid and hazardous waste still occurs.

Charge to the Senate Committee

The charge to the Senate Select Committee on Solid Waste Management is to: a) examine the problems local governments are experiencing in operating existing landfills, siting and funding solid waste landfills; b) review methods available for reducing solid waste volume; and c) review related hazardous waste problems that remain outstanding. The Select Committee should develop solutions to these problems and make recommendations to the Senate prior to the 1988 Legislative Session.
9:00 CALL TO ORDER AND ROLL CALL

9:05 OPENING REMARKS AND COMMENTS BY CHAIRMAN MARTIN

Members of the Committee:

Over the last several years, we have worked hard to protect our water and our environment. We have passed the Water Quality Assurance Act, the Leaking Underground Storage Tank (LUST) Act, and the SWIM bill. This year, we will be taking on one of the biggest threats to our water. That threat is solid waste. I don't need to tell you that this is a critical issue for the state of Florida. All of you have seen newspaper articles from your area that talk about landfills running out of room, about pollution of our drinking water from wastes, and about the different ideas for managing our waste.

What I want to tell you is that solid waste management is going to be one of our top priorities for this year.

What we want to do this year is come up with a bill to reduce the amount of waste going into landfills and protect our drinking water and groundwater.
We'll be looking at the whole range of solid waste issues, from how to reduce waste at the source to final disposal of the waste. This includes looking at recycling, waste-to-energy plants, the safe disposal of garbage in landfills, and hazardous waste.

I have already directed staff to investigate all of these issues. We've been meeting and talking with local governments, DER, businesses and industries, and others to get ideas on how to deal with our wastes. We will continue meeting over the interim in committee and subcommittee to hear testimony on this issue. By the end of this month, I want to have draft language ready for a series of workshops in February so we can get all the problems ironed out. Sometime in March, we can take up a bill for formal discussion.

To get to that point, I am assigning this issue to Representative Friedman and his subcommittee, and I am charging them to come up with a bill that will deal with our waste problems.

(Representative Friedman will accept the assignment, and probably make a few remarks.)

Now, we will move to the presentations and discussion of solid waste management. Before we begin, I want to remind our speakers that we don't want to hear any general
PRESENTATIONS. We want to hear specific suggestions on how to deal with our garbage problems.

9:15 Presentation by Mr. Dale Twachtmann, Secretary of the Department of Environmental Regulation

9:35 Presentation by the Florida Association of Counties

(MR. MARTIN, the presentation will be given by Glenn Ray, Legislative Coordinator for the counties.)

9:50 Presentation by Mr. Dale Twachtmann on the Water Quality Assurance Trust Fund

I am asking Mr. Twachtmann to work with the Department of Revenue and our staff to present a formal proposal on revising the Water Quality Assurance Trust Fund to Mr. Wallace's subcommittee at the February subcommittee meeting. I hope that other industries will cooperate to improve the Trust Fund and allow us to keep our waters clean.

10:00 PUBLIC COMMENT

10:15 ANNOUNCEMENT: The Select Committee on Coastal Resources will meet right after we adjourn.

10:16 ADJOURN
NOTICE
COMMITTEE MEETING

TO: JOE BROWN
SECRETARY OF THE SENATE

You are hereby notified that Select Committee on Solid Waste will meet Monday, February 1, 1988 from 10:00 A.M. until 1:00 P.M. in Room B, Senate Office Building and will consider the following:

Discussion of problems and issues relating to solid waste management, and concepts for proposed legislation

Legislative proposal from the Department of Environmental Regulation
Schedule for remaining meetings of the Select Committee and remaining issues that need to be addressed
Other related matters

PRIOR to regular Session file 6 copies with Secretary of Senate at least 14 days before meeting (Rule 2.6) and DURING regular Session at least 2 days before meeting (Rules 2.1 and 2.8). File 1 copy with President, 1 copy with Sergeant-at-Arms.
2-1-88 Senate Select Committee on Solid Waste

Tape 1

Doug Shelby, Dir., Fla. Petroleum Council
Alan Whidby, " " "
Marilyn Tipton, Keep America Beautiful
Marcia Elder (Fla. League of Women Voters)
Dale Twachtman, D&R (only couple of minutes on the tape)

Tape 2

Dale Twachtman, D&R Secretary (Cont'd)

Tape 3

Sec. Twachtman (Cont'd)

Tape 4

Derek Stephenson
GOVERNOR ANNOUNCES URBAN ENVIRONMENT PROGRAM

Governor Bob Martinez today announced details of his urban environment program, a major initiative to address the environmental needs caused by the rapid growth of Florida's urban areas.

The Governor said his program will be embodied in a major piece of legislation to be completed by the Department of Environmental Regulation this week.

"We must protect Florida's natural wonders, but we must also begin to focus on the vital role of our cities in shaping our state's environmental future," Governor Martinez said. "If we neglect the environmental needs of our urban areas, Florida's natural environment will pay the price."

The Governor's proposal covers a broad range of issues including emphasis on recycling, less landfilling, waste-to-energy facilities and hazardous waste reduction. The urban environment package will also feature a wastewater treatment element, which is still being developed. The proposals involve various agencies at the state, regional and local levels.

Local governments will implement the program with emphasis on private sector involvement. A Solid Waste Management Fund will be created to provide incentives to local governments to put more recycling facilities in place.

(MORE)
Among the provisions are proposals calling for establishment of a state Solid Waste Management Program; a 25 percent increase in the amount of recycled garbage over five years; incentives for waste-to-energy plants; assistance to regional solid waste authorities; county solid waste management programs supported by user fees, and increased use of recycled materials by state agencies.

Other provisions call for authority to deny permits to applicants who have a record of continuing violations; tax incentives to promote recycling among corporations, and an enhanced program to deal with hazardous wastes in Florida.

"Many of these initiatives will require considerable groundwork before they can be fully implemented. What I am proposing is an important, meaningful start to a program that is as important to Florida's future as programs for the natural environment were just a few years ago," Governor Martinez said.

The Governor said elements of his urban environment program will be financed through the state's Infrastructure Trust Fund, while others will come from recycling and litter fees and special waste management fees imposed at the distributor or wholesale level.

The proposed legislation requires a state solid waste management program be developed by December, 1988, and requires all counties and cities with populations over 50,000 to implement solid waste management programs that are approved by DER and are consistent with the state program to be eligible for grants. A key requirement is that county programs are operated as utilities so they remain on firm financial footing.

# # #
SUMMARY OF PROPOSED DER SOLID WASTE LEGISLATION

TITLE

* Title is changed from the "Resource Recovery and Management Act" to the "Solid Waste Management Act" to reflect a broader scope, including a strong emphasis on recycling.

LEGISLATIVE FINDINGS

* Adds public education about solid waste and litter as an additional purpose of the act.

DEFINITIONS

* Deletes definitions for classes of landfills, initial cover and monitoring wells. These are technical terms better handled by rule.

* Definitions are proposed for the following new terms:

- special wastes
- clean fill
- household wastes
- pathogenic wastes
- white goods
- free liquids
- used oil
- sludge
- waste reduction
- solid waste treatment

POWERS AND DUTIES OF THE DEPARTMENT

* Directs DER to adopt by rule a State Solid Waste Management Program.

* Designates DER as lead agency for all state responsibilities under federal solid and hazardous waste legislation.

* Directs use of the state university system for research in the state solid waste program.

* Deletes some technical powers regarding landfill classification which are better defined in rule; gives DER general rule-making authority over landfills.

* Empowers DER to manage a Solid Waste Management Trust Fund for the state recycling, special waste management, litter and other grant programs.

* Adds public education and awareness as specific DER responsibilities, including a directive for the Department to work with the Department of Transportation in a state-wide litter control awareness program.
* Clarifies DER authority to regulate pathogenic and infectious waste. Infectious waste, defined in 395.002(13) is only one of a number of pathogenic wastes which require management as special wastes. DER would adopt specific pathogenic waste regulations, in coordination with HRS, the medical community, and other parties.

**STATE SOLID WASTE MANAGEMENT PROGRAM**

* Requires the state program to contain guidelines and requirements for solid waste management and be adopted by rule, including the adoption by December, 1988, of procedural rules for the recycling, special waste and litter grant programs.

* Establishes state recycling goals of 5, 10, 15, 20, and 25% waste reduction over five years.

**LOCAL SOLID WASTE MANAGEMENT PROGRAMS**

* Requires all counties and cities with a population greater than 50,000 to implement a solid waste management program for the collection, transport, recycling and disposal of solid waste. The program must include a plan for recycling, special waste management, litter and construction and demolition debris management. The program must be approved by DER and be consistent with the state program.

* Requires local solid waste management plans to be consistent with the local comprehensive plan.

* Counties with less than 50,000 population must do a recycling, special waste management and litter plan. Recycling does not have to be implemented if not feasible.

* Counties and required cities must do recycling, litter and special waste plan to qualify for grants.

* Local environmental standards cannot be stricter than DER standards unless approved by the Environmental Regulation Commission.

* All counties solid waste management programs must be supported by a user fee or "enterprise" system. This is a key requirement, and is required to get all local solid waste programs on firm financial footing, as utilities. Scales are required at all solid waste facilities for accountability.

**REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES**

* Authorizes any two or more cities or counties to form a regional solid waste management authority; requires DER approval.
* Provides incentives for host cities or counties and liability indemnification, provides eminent domain for the regional authority. The Department is working with the Association of Counties and the 13 counties which have been participating in the North Central Florida RPC Solid Waste Regional Study, to develop these concepts.

**PROCUREMENT OF RECOVERED OR RECYCLED MATERIALS**

* Directs all state agencies to use products made with recycled materials; DGS to adopt rules for procurement.

* Eliminate bias against recycled materials from procurement procedures; allows a bid preference for products made with recycled materials.

* DOT to procure products made with recycled materials for state transportation system.

* State University System, junior colleges and local governments to also be given guidance to procure products made with recycled materials.

**PERMITS**

* Removes exemption from permitting for on-site disposal of solid waste by persons on their own property except for ordinary household waste. Under current law, the only requirement is that all on-site disposers notify the Department. It is important to emphasize that this change would only remove the exemption from permitting. On-site disposal would still be allowable in many cases, but would have to be permitted by the Department. Many activities would most likely be handled by general permits.

* Eliminates the exemption from permitting for disposal of construction and demolition debris which is becoming a significant problem in growth areas. Local programs would draft plans for the disposal of construction and demolition debris and work with the construction industry in planning for a locating proper disposal sites.

* Water management districts shall impose no requirements for solid waste disposal.

* DER may only issue permits for solid waste facilities which are operated by trained personnel.

* Authorizes DER to not issue permits to applicants who have a record of continuing violations under this chapter.

**PROHIBITIONS**

* Prohibits certain metal "pop-tops" and non-degradeable six-pack connectors, which are harmful to fish and wildlife.
* Prohibits disposal in landfills of special wastes after specified dates: lead acid batteries, used oil, free liquids, scrap whole tires, white goods, and yard waste (except in designated trash landfills). Prohibitions are phased to allow start up of local government recycling and special waste management programs.

**SOLID WASTE MANAGEMENT TRUST FUND**

* Creates a Solid Waste Management Trust Fund, with separate accounts for recycling, special waste management, litter control, public education, research, and administration.

* Money for the first year would provide for all counties and cities over 50,000 to write recycling, litter and special waste management plans.

* Subsequent funds received from fees or other sources in the following years would be distributed to counties and cities over 50,000 for implementing plans.

* A local in-kind match is required for grants from the fund—50% for individual counties and 25% for regional solid waste authorities.

**FEES**

* Several funding alternatives have been reviewed. At this time a preferred approach is a two part advanced product disposal fee:

  The recycling and litter fee would be placed on all durable and non-durable goods sold within the state and assessed at the distributor or wholesale level. The assessment would be at a very small level—a few hundredths of a percent—on gross sales.

  The special waste management fee would be placed on a few selected products which are difficult to dispose of and assessed at the distributor or wholesale level. Examples include: lead acid batteries, tires, white goods, furniture and mattresses.

**GOVERNOR'S AWARDS PROGRAM**

* Creates a Governor's Recycling Incentive Program Award for individuals or firms which make major contributions to recycling in Florida.
DUTIES OF AGENCIES OF THE STATE OF FLORIDA

* Directs the Department of General Services to implement state-wide recycling and waste reduction programs for state agencies, primary and secondary schools and universities. Such a program is required now, but an aggressive state program has never been implemented.

* Each state agency must recycle, at a minimum, metal beverage containers, high quality paper, and newsprint. Money from the sale of recovered materials would be placed into General Revenue and agency trust funds for agency employee scholarships and emergencies.

* Directs the Department of Commerce to prepare biennial assessments of the recycling industry and to seek out new recycling businesses to re-locate in Florida.

INCENTIVES

* Provides for a tax credit against the corporate income tax equal to 10% of the amount paid for by the taxpayer for secondary recyclable materials.

* Provides tax credit on the purchase of capital equipment used in recycling.

CERTIFICATION OF OPERATORS

* Directs the Department to encourage the development and operation of a solid waste management facility operator training and certification program, in cooperation with the private sector and the state university system.

PRICE FOR ELECTRICITY FROM WASTE-TO ENERGY PLANTS

* Directs the Public Service Commission to set a rate for electricity from waste-to-energy plants to ensure continued use of this technology in Florida. For WTE's to remain an alternative to landfills, electricity sales must provide about half of the revenue for the plant, with the other half coming from tipping fees. Recent electricity prices have been so low that there is a danger that WTE's will not be constructed at the pace that is needed.

LOCAL ZONING

* Directs local governments to identify recycled materials collection centers in local comprehensive plans and to establish a zoning category to encourage convenient siting of recycling and drop-off centers.
HAZARDOUS WASTE NOTIFICATION AND IDENTIFICATION FEE

* Hazardous waste generators, transporters and handlers are required to notify and provide the Department with location, type of operation and waste they are managing. The Department then issues an identification number. A $25 fee would be added to cover the costs of notification and identification.

HAZARDOUS WASTE ELIMINATION AND REDUCTION

* Establishes a hazardous waste elimination and reduction program. Patterned after North Carolina's which offers technical assistance and preventative information to generators of hazardous waste.

* The Department will work with the Legislature on another round of Amnesty Days funded from the Water Quality Assurance Trust Fund. This fund is used to clean up polluted sites and, under certain circumstances where local governments have exhausted local revenue, is a potential revenue source for closing landfills that are environmental problems.
Concepts for Proposed Solid Waste Management Legislation

I. State goals for volume reduction by local governments

1. 1990
   (Include process for DER to review goals and progress and make further recommendations to Legislature to adjust goals and the goal achievement to grant availability)

2. 1995

3. 2000

II. Roles of state agencies

1. Department of Environmental Regulation
   a. Development of monitoring programs to determine compliance by local governments with statewide goals
   b. Contract for public education materials on solid waste for use statewide
   c. Maintain registry of recycling businesses
   d. Operate a centralized recycling market assessment and development program
   e. Award research grants for new technology and corresponding pilot programs

2. Department of General Services
   a. Coordinate a paper and aluminum recycling program among state agencies
   b. Authorize state agencies to maintain funds from recycling activities in a separate agency account for the benefit of agency employees
   c. Direct the Division of Purchasing to review and expedite the placement of recycled paper on state contract. Also establish goals for agencies to use recycled paper products

3. Department of Transportation
   a. Direct the agency to review its construction procurement procedures and remove impediments to use of recycled road building materials like re-processed concrete, asphalt, or the use of ash, glass, or rubber
b. Establish goals for the agency to use certain amounts of recycled construction materials by 1990 and 1995.

c. Authorize preferential consideration for bids for construction projects using recycled materials of "particular concern" in solid waste management (i.e., ash, glass, rubber)

4. Community Colleges

   a. Direct the development of training courses and materials to train and certify personnel involved in operating recycling programs

III. Responsibilities of Local Governments

1. By 1990, establish full cost accounting principles and annual public reporting relating to their solid waste management operations

2. By 1990, all local governments operating solid waste management facilities shall provide a system of measuring by weight or volume the solid waste requiring disposal and maintain such records

3. Local governments must charge disposal fees and collection fees for solid waste management to be eligible for any state grant funds.

4. Clarify that tax collectors are required to include annual solid waste assessment fees on tax bills following appropriate actions by local government officials in levying the assessment

*5. Preparation of special solid waste management plans to comprehensively describe strategies and programs and funding needs of managing solid waste and meeting the state goals for volume reduction

IV. State Solid Waste Grant/Loan Program

1. DER would be authorized to administer a grant/loan program to assist local governments

2. Creation of the Solid Waste Management Trust Fund in the State Treasury to be administered by DER

3. Alternative features of grant/loan program
a. 50% grants for planning requirements in III.5.

b. 50% grants for volume reduction feasibility studies

c. 50% grants for operating subsidies for local recycling programs for up to 2 years

d. 50% grants for market development activities for recyclable products involving glass, plastic, rubber, paper and concrete

e. Loan program to assist in landfill closure requirements

f. 50% grants for public education activities to promote recycling

4. Potential funding sources for the above programs

*V. Litter awareness and control program

1. Creation of Clean-up Florida, Inc., an industry-based citizen board to mobilize insights from major industry groups on how to control litter problems and to help promote recycling activities

   a. Conduct periodic needs assessments and characteristics of litter in Florida

   b. Develop litter control and management programs

   c. Develop model public education program for use by industry groups

   d. Develop promotion programs on recycling

   e. Coordinate and facilitate the formation of Keep America Beautiful programs at the local government level

VI. Guidelines for formation of Regional Solid Waste Authorities

1. Provide specific enabling authority for formation of solid waste management authorities

2. Allow differential disposal fees among local governments in the authority to serve as incentive for host county
3. Limitation of liability of host county for operation of disposal facilities

4. Flow-control authorization

VII. Requirements for use of bio-degradable or photo-degradable six-pack connectors and elimination of separable pop-tops, reduction of redundant packaging

VIII. Enabling authority for industry-based used oil collection and recycling program

IX. Special handling requirements for: infectious waste and brush and leaves (compostables)

X. Authorization of corporate tax offset for industries that purchase equipment used for the collection, separation or processing of recyclable materials, especially paper, plastic, rubber or glass or other industry incentives (i.e., sales tax exceptions)

XI. Institute a siting process similar to the hazardous waste facility siting process

XII. Cogeneration power prices?

XIII. Liability limits for local government facilities

XIV. Hazardous Waste Amnesty Days reauthorization; reauthorizing collection center grants program, reserve property for multi-purpose hazardous waste facility, authorize additional money or steps for siting the facility

XVI. Surcharge on batteries, tires, and cars

*This topic presents some potential for controversy and may be dropped.

**This concept poses a major controversy and its inclusion could jeopardize passage of the bill.
1. The outline shows that DER would adopt a State Solid Waste Management Program by rule. That is rather broad rule making authority. Shouldn't the proposed bill contain legislative criteria to guide the rule-making process?

2. Are there any guidelines for the DER/DOT work on a state-wide litter control awareness program?

3. Are there any guidelines to guide DER rule making on pathogenic waste management?

4. What exactly is the DER trying to accomplish that HRS hasn't been able to accomplish with pathogenic waste?

5. Why does the DER proposal make a distinction between the size of local governments and the requirements for local solid waste management programs?

6. In the section on Regional Solid Waste Authorities, what are some of the incentives referred to for host cities or counties, and how would the indemnification provisions operate?

7. Why are the water management districts precluded from imposing any requirements on solid waste disposal?

8. Are local governments going to be able to obtain the trained personnel to operate solid waste facilities that the DER bill requires?

9. What are the amounts of funding recommended by DER for the new Solid Waste Management Trust Fund?

10. What businesses would pay the recycling and litter fee? How much would come from that source?

11. What are the amounts of the special waste management fee?
12. How can the law be changed to assure that recycling activities among the state agencies will be more successful than in the past?

13. What is the estimated statewide impact of the 10% corporate tax credit for money paid by taxpayers for secondary recyclable materials?

14. What is the North Carolina Program for hazardous waste elimination and reduction referred to in the outline?
12. How can the law be changed to assure that recycling activities among the state agencies will be more successful than in the past?

13. What is the estimated statewide impact of the 10% corporate tax credit for money paid by taxpayers for secondary recyclable materials?

14. What is the North Carolina Program for hazardous waste elimination and reduction referred to in the outline?

************

A. How would the grants for local government solid waste management programs be administered? What would be the sources of funding? Would there be a requirement for them to match these grants?

B. Would grants or loans be available to help local governments with landfill closure costs?
OPENING REMARKS
For Workshop with the
Select Committee on Solid Waste Management
February 16, 1988

The main purpose of this meeting is to discuss language for some of the concepts proposed by staff for inclusion in a bill to be filed by members of the Select Committee. Before we start with discussions on these legislative concepts, we will have a presentation from the League of Women Voters on their recent meetings on container deposit legislation, and particularly on the consultant's report prepared for the League. Next, we will receive a brief presentation from Dr. Thomas Stephens from the Research Center for Waste Utilization at the Florida Institute of Technology. Finally, staff will briefly describe the report they have just completed on the activities of the Select Committee and describe the recommended areas that our solid waste bill should address.

Following these presentations, we will then begin to discuss the various concepts for legislation that staff has prepared and put in our folders. For purposes of our discussions, these items are set up in an amendment format so they can each be independently discussed and decided if they should be put into a bill for further action on February 29.
Proposed Concepts for Solid Waste Legislation

1. Legislative Findings

2. State Comprehensive Plan - Goals

3. DER Powers and Duties

4. Local Government Responsibilities

5. Landfill Closure Account

6. Local Government Recycling Requirements

7. Grant Assistance Program for Local Governments

8. Responsibilities of State Agencies
   - DGS
   - DOT

9. Regional Solid Waste Authorities

10. Infectious Waste Management

11. Ban on detachable metal rings and ban on food products packaged in containers made with polystyrene foam

12. Waste Tire Disposal Requirements

13. Used Oil Recovery Requirements

14. Corporate income tax credit for commercial recycling equipment purchases

15. High Tech Council Responsibilities


17. Litter pickup and removal

18. Clean-up Florida, Inc.

19. Landfill Siting
2-16-88 Select Committee on Solid Waste

Tape 1
Gen. by League of Women Voters (Marcha Elder)
on Bottle Bill legislation (Terry Johnson) Consultant

Tape 2
Terry Johnson (Cont'd)

Dr. Thomas Stephens, Fla. Institute of Technology
study on solid & hazardous waste management practices

Wayne Stephens - staff report on activities of the
Select Committee on Solid Waste

Wayne Voigt - Proposed concepts (1 & 2)

Tape 3
#2 Cont'd, #3

Tape 4
#3 Cont'd, #13 Doug Shelby, Alan Whidby, Frank Webber
#4
Tape 5
#4 Cont'd, #5, #6,

Tape 6
#6 Cont'd, #7, #8, #9, #10

Tape 7
#10 Cont'd (Dennis has 6s) #11, #12, #14, #15, #16, #17, #18

Tape 8
#17 Cont'd, #18, #19
NOTICE
COMMITTEE MEETING

TO: JOE BROWN
SECRETARY OF THE SENATE

You are hereby notified that Select Committee on Solid Waste will meet Monday, February 29, 1988 from 10:00 A.M. until 1:00 P.M. in Room A, Senate Office Building and will consider the following:

Workshop on proposed legislation relating to solid waste management

PRIOR to regular Session file 6 copies with Secretary of Senate at least 14 days before meeting (Rule 2.6) and DURING regular Session at least 2 days before meeting (Rules 2.1 and 2.8). File 1 copy with President, 1 copy with Sergeant-at-Arms.
2-29-88 Senate Select Committee on Solid Waste

Tape 1

Discussion of Proposed Committee Bill on Solid Waste

Tape 2

George?

Tape 3

Dick Hollahan
David Jones (Professional Wrecker Operator of the

Tape 4

Joe Creese
Susan Clark, PSC

The Sierra Club
Chip Morrison, Legal and Ed%
Frank Walzer
Call to order

Roll call

Take up PCB NR-3, AMENDMENTS TO THE SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT

REPRESENTATIVE FRIEDMAN TO EXPLAIN THE BILL

Under the federal Low-Level Radioactive Waste Policy Act of 1980, Florida is required to provide for the capacity, either inside or outside the state, for disposal of the low-level radioactive waste generated in the state. The low-level radioactive waste generated in Florida (clothing, tools, and general trash containing small amounts of radioactivity) currently is disposed at a facility in Barnwell County, South Carolina, which is shared by Florida and seven other southeastern states under the Southeast Interstate Low-Level Radioactive Waste Management Compact.

Under terms of the compact, the Barnwell County facility is scheduled to close in December 1992. The Southeast Compact Commission for Low-Level Radioactive Waste Management selected North Carolina as the next state to host a disposal facility. In 1987, the North Carolina legislature passed a bill that amended that state's compact law to:
(1) Limit the obligation of a host state for operating a facility to 20 years 32 million cubic feet of waste;
(2) Limit a compact state's right of withdrawal from the compact to 30 days after a disposal facility begins operation; and
(3) Withdraw North Carolina from the compact unless the other states in the compact adopt amendments similar to the first two amendments.

The Southeast Compact Commission has recommended that all of the states in the compact modify their compact laws to incorporate the North Carolina amendments to address North Carolina's concerns and prevent the break-up of the compact.

This bill incorporates the recommended amendments into Florida's compact law in s. 404.30, F.S.

(TAKE DISCUSSION ON THE BILL.  THE DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES HAS REQUESTED THAT THE BILL BE FILED.  REPRESENTATIVES OF THE OFFICE OF RADIATION CONTROL AT HRS ARE HERE TO HELP EXPLAIN THE BILL.)

(TAKE AMENDMENTS TO THE BILL AND VOTE THE BILL OUT.)

9:45 Take up PCB NR-2, SOLID WASTE MANAGEMENT, for workshop discussion.

REPRESENTATIVE FRIEDMAN TO EXPLAIN THE BILL.

Introductory Remarks

Over the last several years, we have worked hard to protect our water and our environment. We have passed the Water Quality Assurance Act, the Leaking Underground
Storage Tank (LUST) Act, and the SWIM bill. This year, we are taking on one of the most problematic issues facing our environment and our fiscal resources. That issue is solid waste. I don't need to tell you that this is a critical issue for the state of Florida. All of you have seen newspaper articles from your area that talk about landfills running out of room, about pollution of our drinking water from wastes, and about the different ideas for managing our solid waste.

What we have tried to do with the solid waste management legislation before you is develop a comprehensive, statewide approach to increase recycling and reduce the amount of solid waste that ultimately has to be disposed of. This legislation was developed to help reduce the costs for disposal, increase the use of renewable resources, reduce the use of large amounts of energy, protect the environment and natural resources, and supplement existing programs for safe, environmentally sound solid waste management.

RATHER THAN GOING THROUGH A LENGTHY SUMMARY OF THE BILL, IT MAY BE BETTER TO ASK THE SUBCOMMITTEE MEMBERS IF THEY WOULD LIKE A SUMMARY OR IF THEY WOULD LIKE TO GO THROUGH THE BILL AND ASK QUESTIONS. IF THEY WOULD LIKE A SUMMARY, A SUMMARY IS PROVIDED SEPARATELY TO BE USED BY MEMBERS AND READ BY REPRESENTATIVE FRIEDMAN OR STAFF.

TAKE DISCUSSION FROM MEMBERS ON THE BILL. DER WILL HAVE REPRESENTATIVES IN THE AUDIENCE TO HELP ANSWER QUESTIONS. PAULA ALLEN FROM COMMITTEE STAFF WILL HELP ANSWER QUESTIONS ON DEPOSIT LEGISLATION. REPRESENTATIVES FROM
THE FLORIDA PETROLEUM COUNCIL SHOULD BE AT THE MEETING TO HELP ANSWER QUESTIONS ABOUT USED OIL PROVISIONS.

TAKE TESTIMONY ON THE BILL FROM INTERESTED PERSONS. STAFF HAS REQUESTED THAT COMMENTS BE SPECIFIC AND DIRECTED TOWARD LANGUAGE IN THE BILL.

ONCE TESTIMONY IS FINISHED, EXPLAIN THAT SUGGESTIONS WILL BE TAKEN INTO CONSIDERATION. PERSONS WITH SPECIFIC COMMENTS OR AMENDMENTS SHOULD PRESENT THEM TO THE STAFF BY FRIDAY, MARCH 4, FOR POSSIBLE CONSIDERATION AT THE NEXT SUBCOMMITTEE MEETING ON MARCH 9.

12:00 Adjourn
Call to order
Roll call
Take up the remainder of PCB NR-2, SOLID WASTE MANAGEMENT, for workshop discussion. The remaining portion of the bill begins on page 58, Section 18.

REPRESENTATIVE FRIEDMAN (OR STAFF) TO EXPLAIN THE BILL.

INTRODUCTORY REMARKS
At our last subcommittee meeting, we worked our way through the solid waste management legislation section-by-section. I feel we had an excellent working session on the bill. Most comments were insightful and I believe they provided the members of this subcommittee with a good idea of what the major issues are that need to be resolved.

What I would like to do today is continue working through the bill, starting where we left off last time. A number of significant issues need to be covered: (1) used oil provisions; (2) beverage container legislation; and (3) the pricing of energy from waste-to-energy facilities.

If we have enough time today, I would like to come back and revisit some of the major issues we identified in our last session. It is my intent not to report this bill out today but to continue working through the issues. We can
work on amendments or changes over the next two weeks and take up amendments for formal consideration at our first meeting in April. At that meeting, I would like to vote the bill out.

TAKE UP THE REMAINDER OF THE BILL. A SUMMARY OF THE BILL IS PROVIDED SEPARATELY TO BE READ BY REPRESENTATIVE FRIEDMAN OR STAFF.

TAKE DISCUSSION FROM MEMBERS ON THE BILL. DER WILL HAVE REPRESENTATIVES IN THE AUDIENCE TO HELP ANSWER QUESTIONS. PAULA ALLEN FROM COMMITTEE STAFF WILL HELP ANSWER QUESTIONS ON DEPOSIT LEGISLATION. REPRESENTATIVES FROM THE FLORIDA PETROLEUM COUNCIL SHOULD BE AT THE MEETING TO HELP ANSWER QUESTIONS ABOUT USED OIL PROVISIONS.

AT THE END OF THE BILL, TAKE UP THE PROPOSED PSC LEGISLATION ON WASTE-TO-ENERGY FOR DISCUSSION. REPRESENTATIVES OF THE PSC WILL BE AT THE MEETING TO PROVIDE DETAILS ON THE PROPOSED LEGISLATION.

IF THE MEMBERS AGREE, MOVE TO INCORPORATE DRAFT PSC LANGUAGE INTO THE BILL.

AFTER THE PSC BILL IS FINISHED, TAKE UP MAJOR ISSUES FROM LAST MEETING IF THERE IS ENOUGH TIME.

MAJOR ISSUES ON DRAFT PCB NR 2

I. Full cost accounting. Should solid waste management service customers be informed of the actual cost for solid waste management as an incentive for reducing the amount of solid waste generated and disposed and as an incentive for increased recycling?

II. Local solid waste management programs and recycling programs. Major issues involve:

A. Defining the responsibilities of municipalities and counties in this process.

B. Requiring cooperation among cities and counties.
C. Considering ongoing programs in counties and municipalities.

D. Establishing goals for reduction of solid waste and municipal solid waste.

E. Establishing a structure to target certain types of solid waste to achieve the goals.

III. Providing counties (or regional entities) with control of the waste flow within their boundaries. Would this ensure that the entities most often responsible for disposal of solid waste are able to predict waste flows and plan for proper disposal?

IV. Agency procurement of recycled materials.
   A. Should there be a price preference for purchase of materials with recycled content?
   B. Should certain materials be targeted for purchase?
   C. Should there be an initial study of the issue?

V. Yard trash.
   A. Should yard trash be prohibited from landfills?
   B. Should composting be required?

VI. Funding of the bill. Should all owners and operators of landfills or waste-to-energy facilities (and, indirectly, all customers) be required to pay the $1.50 solid waste management fee?

TAKE DISCUSSION ON THE MAJOR ISSUES.

REMIND THE MEMBERS THAT THE FULL COMMITTEE WILL BE MEETING AT 11:00 A.M. IN MORRIS HALL.
REPRESENTATIVE LOGAN MOVES THAT STAFF MAY MAKE TECHNICAL
CHANGES TO THE BILL WHERE NECESSARY.

10:50 Adjourn
REPORT OF SUBCOMMITTEE 3 BY REPRESENTATIVE FRIEDMAN

March 9, 1988

Thank you, Mr. Chairman. At the meeting of Subcommittee 3 last Wednesday, we reported favorably on PCB NR 88-3, which deals with amendments to the Southeast Interstate Low-Level Radioactive Waste Compact. The amendments to the compact were requested by the Southeast Commission on Low-Level Radioactive Waste Management and the Department of Health and Rehabilitative Services. Under federal law, Florida is required to provide for the capacity, either inside or outside the state, for disposal of the low-level radioactive waste generated in the state. The low-level radioactive waste generated in Florida currently is disposed of at a facility in South Carolina, which is shared by Florida and seven other southeastern states under the Southeast Interstate Low-Level Radioactive Waste Management Compact.

The South Carolina facility is scheduled to close in December, 1992. The Southeast Compact Commission has selected North Carolina as the next state to host a disposal facility. The North Carolina Legislature has passed a bill that amends its compact law to:

(1) Limit the obligation of a host state for operating a disposal facility to 20 years or 32 million cubic feet of waste;
(2) **Limit a compact state’s right of withdrawal from the compact to 30 days after a disposal facility begins operation; and**

(3) **Withdraw North Carolina from the compact unless the other states in the compact adopt amendments similar to the first two amendments.**

The Southeast Compact Commission has recommended that all of the states in the compact modify their compact laws to incorporate the North Carolina amendments to address North Carolina’s concerns and prevent the break-up of the compact. This bill incorporates the recommended amendments into Florida’s compact law in s. 404.30, F.S.

*(Take discussion on the bill and vote the bill out)*

At our subcommittee meetings last week and today, we worked our way section-by-section through PCB NR 88-2, the draft solid waste management legislation. Feel we had two excellent working sessions on the bill. The discussion was insightful and believe it provided the members of the subcommittee with a good idea of what the major issues are that need to be resolved.

Mr. Chairman, the subcommittee decided not to report the bill out today but to continue working through the issues. We intend to work on amendments or changes over the next several weeks and take up amendments for formal consideration at our next subcommittee meeting in April. At that meeting, we will probably
VOTE THE BILL OUT AND SEND IT TO THIS COMMITTEE FOR CONSIDERATION.
Mr. Chairman, we did two things yesterday. First, we unanimously passed HB 266 by Representative Souto -- Litter Law/Additional Penalties.

This bill requires, rather than allows, the courts to impose a penalty of picking up litter or performing other community service work in addition to the current second degree misdemeanor penalties. A first offense will require the violator to work 10 hours of litter pickup or community service work, the second offense 25 hours of litter pickup or community service work, and the third and any subsequent offenses 100 hours of litter pickup or community service work per offense.

The punishment for a second degree misdemeanor is no more than 60 days of imprisonment and/or a fine of no more than $500.

(Representative Souto’s aide, Carlos Manrique, should be here to explain the bill)

The second thing we did was take up amendments to PCB NR 88-2, the solid waste bill. We adopted a substantial number of amendments that will be incorporated into the bill. Hope we can have a new bill ready for everybody's review by Thursday afternoon so we can take it up and pass it out on Monday of next week. Mr. Chairman, we still have several outstanding issues that members, staff, and other persons are working out, but I think we are on our way to meeting the deadline presented to us yesterday.
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<td>Workshop on proposed legislation relating to solid waste management</td>
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3-11-88 Select Committee on Solid Waste

(started @ 9:22 am)

Tape 1  Discussion of Solid Waste Legislation

Hillsborough Co.  Comm. Jim Selvey
Broward Co. ?  Sylvia Partier, Chairman
Pasco Co.  Mike Wells
Joe Cresse

Tape 2
Joe Cresse (Cont'd)
Nancy Stephens - discussed changes from last draft

Tape 3
Nancy - disc. of changes cont'd
Steve Levetan, Frank Walper
Nancy
Bob K. ? (Waste Management)
John ? (City of Orlando)

Tape 4
Cont'd
Nancy
Ed Twilley, George Elder
Marcia Elder
Nancy
Frank Walper (Section 15)
Marcia Elder (Section 29)
Dennis Haabs, Sarasota Co.

Tape 5
Infectious Waste disc. cont'd
Dick Shelton, Fla. Press Asso. (Section 81)

(Sen. Weisflecht had to leave to add phone)
1:00 Call to order and roll call

1:05 Take up the WASTE-TO-ENERGY portion of PCB NR-2 for workshop discussion. The waste-to-energy portion of the bill begins on page 89, section 37.

REPRESENTATIVE FRIEDMAN (OR STAFF) TO EXPLAIN THE BILL.

Introductory Remarks

At our last subcommittee meetings, we worked our way through the solid waste management legislation section-by-section. I feel we had two excellent working sessions on the bill. Most of the comments were insightful and I believe they provided the members of this subcommittee with a good idea of what the major issues are that are still to be resolved.

At our subcommittee meeting on March 9, we briefly discussed the issue of pricing of electricity from public waste-to-energy facilities. Particularly, we discussed a proposed bill that was drafted by the Public Service Commission. Staff was directed to incorporate the PSC language into our bill for discussion purposes. That has been accomplished. The PSC has amended their original proposal and the bill reflects their amendments.
Because of the very short period of time we had to spend on the PSC bill and the complex nature of this issue, I felt that we needed more time to review, explain, and discuss the details of waste-to-energy pricing. What I would like to do today is work through the waste-to-energy portion of the bill. First, the PSC will give us an overview of how prices currently are set for electricity from waste-to-energy facilities and how their legislation would change pricing. Then we can discuss the details of the PSC legislation.

When we are finished with waste-to-energy, I would like to briefly highlight some of the major issues we identified in our last two sessions. We can work on amendments or changes to the bill over the next week and take up amendments for formal consideration at our first meeting in April.

1:10 PRESENTATION BY THE PUBLIC SERVICE COMMISSION.

1:40 TAKE UP THE WASTE-TO-ENERGY PORTION (PSC LEGISLATION) OF THE BILL. A SUMMARY OF THAT PORTION IS PROVIDED SEPARATELY TO BE READ BY REPRESENTATIVE FRIEDMAN OR STAFF IF NECESSARY.

TAKE DISCUSSION FROM MEMBERS ON THE BILL. THE PSC WILL HAVE REPRESENTATIVES IN THE AUDIENCE TO HELP ANSWER QUESTIONS. THERE WILL PROBABLY BE AT LEAST ONE COMMISSIONER FROM THE PSC AT THE MEETING.

I. Full cost accounting. Should solid waste management service customers be informed of the full cost for solid waste management as an incentive for reducing the amount of solid waste generated and disposed and as an incentive for increased recycling?

II. Local solid waste management programs and recycling programs. Major issues involve:
   A. Defining the responsibilities of municipalities and counties in this process.
   B. Requiring cooperation among cities and counties.
   C. Considering ongoing programs in counties and municipalities.
   D. Establishing goals for reduction of solid waste and municipal solid waste.
   E. Establishing a structure to target certain types of solid waste to achieve the goals.

III. Providing counties (or regional entities) with control of the waste flow within their boundaries. Would this ensure that the entities most often responsible for disposal of solid waste are able to predict waste flows and plan for proper disposal?

IV. Agency procurement of recycled materials.
A. Should there be a price preference for purchase of materials with recycled content?
B. Should certain materials be targeted for purchase?
C. Should there be an initial study of the issue?

V. Yard trash.
A. Should yard trash be prohibited from landfills?
B. Should composting be required?

VI. Funding of the bill. Should all owners and operators of landfills or waste-to-energy facilities (and, indirectly, all customers) be required to pay the $1.50 solid waste management fee?

TAKE BRIEF DISCUSSION ON THE MAJOR ISSUES IF TIME ALLOWS.

REMEMBER THAT IT WOULD BE APPRECIATED IF AMENDMENTS TO THE DRAFT BILL WERE SUBMITTED BY NOON ON TUESDAY, APRIL 5, BEFORE THE NEXT SUBCOMMITTEE MEETING AT 1:15 ON APRIL 6.

CONCLUDING REMARKS

3:00 Adjourn
NOTICE
COMMITTEE MEETING

TO:  JOE BROWN
SECRETARY OF THE SENATE

You are hereby notified that Select Committee on Solid Waste will meet Wednesday, March 30, 1988 from 10:00 A.M. until 2:00 P.M. in Room A, Senate Office Building and will consider the following:

Workshop on proposed legislation relating to solid waste management

PRIOR to regular Session file 6 copies with Secretary of Senate at least 14 days before meeting (Rule 2.6) and DURING regular Session at least 2 days before meeting (Rules 2.1 and 2.8). File 1 copy with President, 1 copy with Sergeant-at-Arms.
3-30-88 Senate Select Committee on Solid Waste

**Tape 1**

Amendments:

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- #12 - Substitute for amnd. #12

**Tape 2**

Substitute amnd #12 ent'd - no obj.  

- #13 - 
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- #14 - "  
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Clayton  

Mike Krause, Lincac  

Roy Cottman
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Steve Leveen

John Sowinski, Orlando
DETAILED AGENDA
SUBCOMMITTEE #3 - Morris Hall

APRIL 5, 1988 - 3:30 P.M.

3:30 Call to order and roll call

3:35 HB 266 by Souto -- Litter Law/Additional Penalties

This bill requires, rather than allows, the courts to impose a penalty of picking up litter or performing other community service work in addition to the current second degree misdemeanor penalties. A first offense will require the violator to work 10 hours of litter pickup or community service work, the second offense 25 hours of litter pickup or community service work, and the third and any subsequent offenses 100 hours of litter pickup or community service work per offense.

The punishment for a second degree misdemeanor is no more than 60 days of imprisonment and/or a fine of no more than $500.

(Representative Souto's Aide, Carlos Manrique, will explain the bill)

3:45 Take up amendments to PCB NR - 2, Solid Waste Management. Short explanations of the amendments are provided at the bottom of each amendment.
REPRESENTATIVE FRIEDMAN TO EXPLAIN THE AMENDMENTS.

INTRODUCTORY REMARKS

At our last three subcommittee meetings, we worked our way through the solid waste management legislation section-by-section. I feel we had several excellent working sessions on the bill. Most comments were insightful and I believe they provided the members of this subcommittee with a good idea of what the major issues are that need to be resolved.

What I would like to do today is take up amendments to the bill. We have two sets of amendments:

(1) Technical amendments; and

(2) Substantive amendments.

Many of these amendments were prepared by staff at my direction to address concerns raised at our workshops and to address some of the comments and amendments submitted by interested persons.

It is my intent to try and finish with all of these amendments today, have adopted amendments incorporated in the bill, and vote the bill out at our next meeting. If we can’t finish the amendments, we will continue at our next meeting.
TAKE UP THE TECHNICAL AMENDMENTS FIRST. IF THERE ARE NO OBJECTIONS, MOVE AND ADOPT THE TECHNICAL AMENDMENTS.

TAKE UP THE REMAINING AMENDMENTS. TAKE DISCUSSION FROM MEMBERS ON THE AMENDMENTS. DER WILL HAVE REPRESENTATIVES IN THE AUDIENCE TO HELP ANSWER QUESTIONS. PAULA ALLEN WILL HELP ANSWER QUESTIONS ON DEPOSIT LEGISLATION AMENDMENTS.

IF ALL AMENDMENTS ARE FINISHED, MOVE TO INCORPORATE THE AMENDMENTS INTO THE BILL.

REPRESENTATIVE LOGAN MOVES THAT STAFF MAY MAKE TECHNICAL CHANGES TO THE BILL WHERE NECESSARY.

5:30 Adjourn
DETAILED AGENDA
SUBCOMMITTEE #3 - Morris Hall

APRIL 11, 1988 - 1:15 P.M.

1:15 Call to order and roll call

1:20 Take up amendments to PCB NR - 2 SOLID WASTE MANAGEMENT. Representative Friedman and other members to explain the amendments.

INTRODUCTORY REMARKS

At our last subcommittee meeting, we took up amendments to the Solid Waste Management bill. Many of those amendments were prepared by staff at my direction to address concerns raised at our workshops and to address some of the comments and amendments submitted by interested persons.

Today we are going to take up more amendments. These are amendments that are offered by myself and other members of this subcommittee. It is my intent to try and finish with all of these amendments today and vote the bill out as per the direction of our Chairman.

Take up any technical amendments first. If there are no objections, move and adopt the technical amendments.
TAKE UP THE REMAINING AMENDMENTS. TAKE DISCUSSION FROM MEMBERS ON THE AMENDMENTS. TAKE PUBLIC TESTIMONY ON AMENDMENTS IF NECESSARY.

DERR WILL HAVE REPRESENTATIVES IN THE AUDIENCE TO HELP ANSWER QUESTIONS. PAULA ALLEN WILL HELP ANSWER QUESTIONS ON DEPOSIT LEGISLATION AMENDMENTS.

IF ALL AMENDMENTS ARE FINISHED, MOVE TO INCORPORATE THE AMENDMENTS INTO THE BILL AND VOTE THE BILL OUT.

REPRESENTATIVE LOGAN MOVES THAT STAFF MAY MAKE TECHNICAL CHANGES TO THE BILL WHERE NECESSARY.

3:20 Adjourn
3:30 CALL TO ORDER AND ROLL CALL

3:35 OPENING REMARKS AND COMMENTS BY CHAIRMAN MARTIN

First of all, I want to wish Mr. Wallace a Happy Birthday. He’s 34 years old today.

First thing on the agenda is we have some bills that we need to ratify to subcommittee. Hunter will read the list.

Do I hear any objection? These bills are ratified.

3:45 Now, we are going to let the subcommittee chairs tell us what their subcommittees have done this week.

3:50 REPORT BY REPRESENTATIVE FRIEDMAN ON SUBCOMMITTEE III

PCB NR 88-2 - SOLID WASTE MANAGEMENT

Mr. Chairman, the focus of our last five subcommittee meetings has been the solid waste bill. We held three workshops on the bill in March after the bill was released in the third week of February. We held two subcommittee meetings in April, one last week and one two days ago, taking up nearly 150 amendments in both meetings combined.
At our meeting on Monday, we reported favorably on the solid waste bill we have before us today. Mr. Chairman, think it's a good bill. It may need some fine tuning, but I think we have addressed many of the major issues that were raised during the almost two month period that the bill has been out. If you would like, Mr. Chairman, I can hit some of the high points of the bill. Think most of the members know these issues or have heard about them, however, and it may be best just to take up amendments left over from our last subcommittee meeting, and any amendments that will be sponsored today.

(Take up solid waste management bill. Take up amendments left over from the last subcommittee meeting. Take up any new amendments. When amendments are finished, move that the amendments be incorporated and vote the bill out.)

5:00

Report by Representative Arnold on Subcommittee I

HB 539 by Messersmith - Land Acquisition/Contracts

Mr. Chairman, this bill authorizes the Board of Trustees of the Internal Improvement Trust Fund and state agencies to contract for real estate services and real estate commission fees for land acquisition projects having 25 or more owners. The bill also expands the types of real estate services the trustees may procure in disposing of surplus state lands. These changes in current law will enable state agencies to complete land acquisitions and
The Committee on Natural Resources recommended the following amendment which was moved by Senator .... and adopted:

Senate Amendment

On page .........., line .........., strike

If amendment is text from another bill insert:

Bill No. Draft No. With Changes? Yes

and insert:

Section ?. Subsection (2) of Section 403.702, Florida Statutes, is amended to read:

403.702 Legislative findings; public purpose.--

(2) It is declared to be the purpose of this act to:
(a) Plan for and regulate in the most economically feasible, cost-effective, and environmentally safe manner the storage, collection, transport, separation, processing, recycling, and disposal of solid waste in order to protect the public safety, health, and welfare; enhance the environment for the people of this state; and recover and recycle resources which have the potential for further usefulness.
(b) Establish and maintain a cooperative state program of planning and technical assistance for resource recovery and management, including a program to emphasize recycling of paper, glass, plastic, and aluminum.
(c) Provide the authority, and require counties and municipalities, to adequately plan and provide efficient, environmentally acceptable resource recovery and management and require counties to plan for proper hazardous waste management.

CODING: Words stricken are deletions; words underlined are additions.
(d) Require review of the design, and issue permits for the operation, of resource recovery and management facilities.

(e) Promote the application of resource recovery systems which preserve and enhance the quality of air, water, and land resources.

(f) Ensure that exceptionally hazardous solid waste is transported, disposed of, stored, and treated in a manner adequate to protect human health, safety, and welfare and the environment.

(g) Promote the recycling, reuse, or treatment of solid waste, especially paper, glass, plastic, and aluminum and specifically including hazardous waste, in lieu of disposal of such wastes.

(h) Promote the application of methods and technology for the treatment, disposal, and transportation of hazardous wastes which are practical, cost-effective, and economically feasible.
The Committee on Natural Resources recommended the following amendment which was moved by Senator and adopted:

Senate Amendment

On page , line , strike

If amendment is text from another bill insert:

Bill No. Draft No. With Changes? Yes

and insert:

Section . Subsection (13) of Section 187.201, Florida Statutes, is amended to read:

187.201 State Comprehensive Plan adopted.--The Legislature hereby adopts as the State Comprehensive Plan the following specific goals and policies:

(13) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE.--

(a) Goal.--All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

(b) Policies.--


2. By 1995, all counties should provide a countywide solid waste collection system to discourage littering and illegal dumping of solid waste materials.

3. By 1995, all counties should initiate procedures to provide for solid waste separation and recycling, either at

CODING: Words struck are deletions; words underlined are additions.
centralized locations or at source collection points of at least four materials such as plastics, glass, aluminum, and paper products.

4. Initiate programs to develop or expand secondary material markets, especially those involving paper, glass, plastics, and aluminum.

5. Encourage and expedite the development of environmentally safe hazardous waste treatment, storage, and disposal facilities.

6. Identify and clean up hazardous waste sites.

7. Enforce and strengthen regulation of the generation, storage, treatment, disposal, and transportation of hazardous waste.

8. Establish a system for identifying the location, type, and quantity of hazardous materials.

9. Require all hazardous waste generators to properly manage their own wastes.

10. Encourage the research, development, and implementation of recycling, resource recovery, energy recovery, and other methods of using garbage, trash, sewage, slime, sludge, hazardous waste, and other waste.

11. Encourage coordination of intergovernmental and interstate waste management efforts.

12. Identify, develop, and encourage environmentally sound wastewater treatment and disposal methods.

13. Develop a permanent system for households, small business, and other low-volume generators of hazardous waste to safely dispose of these materials in a convenient manner.
14. *** Encourage strict enforcement of hazardous waste laws and swift prosecution of violators.

CODING: Words strucken are deletions; words underlined are additions.
The Committee on...Natural Resources...recommended the following amendment which was moved by Senator.......... and adopted:  

Senate Amendment  

On page ........, line ........, strike  

If amendment is text from another bill insert:  

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and insert:  

Section ?. Section 403.704, Florida Statutes, is amendment to read:  

(Substantial Rewording - See s. 403.704, F.S. for present text.)  

403.704 Powers and duties of the department.--The department shall have responsibility for the implementation and enforcement of the provisions of this act. In addition to other powers and duties, the department shall:  

(1) Operate programs to monitor the solid waste management activities of local governments to respond to the goals and policies of this act. Each year before March 1 the department shall make a report to the Legislature on the progress of local governments in complying with the requirements of this act and make recommendations for any additional legislative actions needed to carry out the purposes and intent of this act.  

(2) Provide technical assistance to local governments in developing plans and programs related to solid waste management. Such local programs shall be designed to comply with provisions of this act.
(3) Develop and implement or contract for services to develop statewide promotion and educational materials to inform the public and business groups on the need to properly manage solid waste. Such activities shall include materials which can be used by local officials to promote awareness and participation in local solid waste management activities like recycling and other volume reduction techniques.

(4) Develop and implement or contract for services to develop information on secondary material markets and strategies for market development and expansion for these materials. Additionally, the department shall maintain a registry of recycling businesses operating in the state. Such registry shall be made available to local governments to assist with their solid waste management activities.

(5) Serve as the official state representative for all purposes of federal law relating to solid waste.

(6) Assist in and encourage the development within the state of industries and commercial enterprises which are based upon resource recovery, recycling, and reuse of solid waste.

(7) Adopt, repeal, or amend rules to implement, administer, and enforce this act, including reasonable requirements for the classification, construction, operation, maintenance, and closure of solid waste management facilities. Whenever the department adopts any rule stricter or more stringent than one which has been set by the United States Environmental Protection Agency, the procedures set forth in s. 403.804(2) shall be followed. The department shall not, however, adopt hazardous waste rules for solid waste for which special studies are required under the Resource Conservation and Recovery Act, as amended, until the studies are completed by the United States Environmental Protection Agency and the

CODING: Words struck are deletions; words underlined are additions.
(8) Issue or modify permits on such conditions as are necessary to construct, operate, or close solid waste management facilities, and may deny or revoke permits.

(9) Conduct applied research, using, among others, the State University System and Community Colleges on economically feasible, cost-effective, and environmentally safe solid waste management, and landfill closure methods which protect the health, safety, and welfare of the public and the environment and which may develop markets and provide economic benefits to local governments, the state, and its citizens and solicit public participation during the research process.

(10) Authorize variances from solid waste closure rules adopted pursuant to this part, provided such variances are applied for and approved in accordance with s. 403.201 and will not result in significant threats to human health or the environment.

(11) Establish an account and deposit to the Hazardous Waste Management Trust Fund and control and administer moneys it may withdraw from the fund.

(12) Budget and receive appropriated funds and accept, receive, and administer grants or other funds or gifts from public or private agencies, including the state and the federal government, for the purpose of carrying out the provisions of this act. Such funds shall be deposited into the Solid Waste Management Trust Fund or the Hazardous Waste Management Trust Fund as appropriate.

(13) Manage a program of grants for programs that include recycling, litter control, and special waste handling,
and which promote the safe and proper management of solid waste.

(14) Delegate its powers, enter into contracts, or take such other actions as may be necessary to implement this act.

(15) Receive and administer funds appropriated for county hazardous waste management assessments.

(16) Assist the hazardous waste storage, treatment, or disposal industry by providing to the industry any data produced on the types and quantities of hazardous waste generated.

(17) Promulgate rules necessary to accept delegation of the hazardous waste management program from the Environmental Protection Agency under the Hazardous and Solid Waste Amendments of 1984, P.L. No. 98-616.
The Committee on Natural Resources recommended the following amendment which was moved by Senator............ and adopted: and failed:

Senate Amendment

On page .........., line .........., strike

If amendment is text from another bill insert:

Bill No. _______ Draft No. _______ With Changes? Yes

and insert:

Section ?. Solid Waste Management Responsibilities of Local Governments.

(1) The governing body of a county shall have the responsibility and power to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas. Unless otherwise approved by interlocal agreement, municipalities shall not operate solid waste disposal facilities. Generally, municipalities shall be responsible for the collection and transportation of solid waste from their jurisdictions to the county operated solid waste disposal facility. Counties are authorized to charge reasonable fees for the handling and disposal of solid waste at their facilities.

(2) By January 1, 1990, the governing body of a county must provide for the preparation and maintenance of information on the amounts of solid waste required to be disposed at county facilities. Such information shall, at a minimum, account daily for solid waste on a tonnage or volume basis. If a county does not operate a scale for weighing solid waste, then it shall be estimated consistently by...
assuming three cubic yards of hydraulically-compressed volume as equaling one ton. Such operating information shall be made available to the Department of Environmental Regulation upon request.

(3) By January 1, 1990, the governing body of a county or municipality shall provide for the operating and maintenance costs and any other directly related costs to be accounted for on a cost accounting basis and such true costs shall be the basis of user fees or assessments charged for disposal services. All local governments are encouraged to operate all solid waste collection and disposal services through an enterprise fund and to discontinue the practice of supporting these service activities directly and primarily from the general ad valorem property tax assessments levied by the local government for general government operations.
The Committee on Natural Resources recommended the following amendment which was moved by Senator..........and adopted:

and failed:

Senate Amendment

On page ........, line ........, strike

If amendment is text from another bill insert:

and insert:

Section ...., Section 403.7078, Florida Statutes, is

created to read:

403.7078 Landfill management account.--

(1) As used in this section:

(a) "Landfill" means any facility which receives solid

waste for disposal in or upon land other than a land-spreading

site, injection well, or a surface impoundment.

(b) "Closure" means the cessation of operation of a

landfill, the act of securing such landfill so that it will

pose no significant threat to human health or the environment,

and long-term monitoring and maintenance of the landfill.

(c) "Owner or Operator" includes, in addition to the

usual meanings of the term, any owner of record of any

interest in land whereon a landfill is or has been located and

any person or corporation which owns a majority interest in

any other corporation which is the owner or operator of a

landfill.

(2) Every owner or operator of a landfill shall be

jointly and severally liable for the proper operation and

closure of the landfill, as required by law.
(3) The owner or operator of a landfill shall levy a fee, or a surcharge on existing fees, to ensure the availability of financial resources for the proper closure of the landfill. However, disposal of solid waste by persons on their own property from their own activities is exempt from the provisions of this section.

(a) The fee or surcharge shall be levied on all solid waste accepted, at a rate sufficient to generate funds to meet state or federal closure requirements. If any solid waste is measured, upon acceptance for disposal, by units other than cubic yards or gallons, the tax shall be levied on the equivalents thereof as determined by the department.

(b) The fee or surcharge shall be deposited in a landfill management account which shall be an interest-bearing escrow account to be held and administered by the owner or operator. The owner or operator shall file with the department an annual audit of the account. The audit shall be conducted by a certified public accountant and shall be filed no later than December 31 of each year. Failure to collect or report a fee or surcharge, except as allowed in subsection (4), shall subject the owner or operator to judicial imposition of a civil penalty for each offense in an amount of not more than $5,000 per offense. The owner or operator may make expenditures from the account and its accumulated interest only for landfill closure and, if such expenditures do not deplete the fund to the detriment of eventual closure, for planning and construction of resource recovery or landfill facilities. Any moneys remaining in the account after paying for proper and complete closure, as determined by the department, shall, if the owner or operator will no longer operate a landfill, be deposited by the owner or operator into
the Water Quality Assurance Trust Fund administered by the
department.

(c) The fee or surcharge levied under this subsection
and any accumulated interest thereon may be applied for
payment or security for the payment of revenue bonds issued in
whole or in part for any of the purposes set forth in
paragraph (b). Such application or pledge may be made
directly in the proceedings authorizing such bonds or in an
agreement with an insurer of bonds to assure such insurer of
additional security therefor.

(4) An owner or operator may establish proof of
financial responsibility with the department in lieu of the
requirements of subsection (3). Such proof may include surety
bonds, certificates of deposit, or other documents showing
that the owner or operator has sufficient financial resources
to cover, at a minimum, the costs of complying with closure
requirements. The owner or operator shall estimate such costs
to the satisfaction of the department.

(5) Nothing contained in this section shall be
construed as a repeal, limitation, or abrogation of any other
law authorizing local governments to fix, levy, or charge
rates, fees, or charges for the purposes set forth in
paragraph (3)(b).

(6) The department shall adopt rules to implement this
section.

Section 2. This act shall take effect upon becoming a
law.
The Committee on Natural Resources recommended the following amendment which was moved by Senator and adopted:

Senate Amendment

On page 1, line 1, strike...

If amendment is text from another bill insert:

Bill No. Draft No. With Changes? Yes

and insert:

Section 1. Local Recycling Programs.--

(1) Within each county, at least one recycling program must be instituted by July 1, 1989. Such program is intended to stimulate participation in recycling programs by the public. Compliance with this requirement could include recognition of the provision of recycling services by community groups, local governments, or private industry. On September 1, 1990, each county is required to report to the department on the recycling activities which occurred in the county between July 1, 1989 and July 1, 1990. The activity report would include a description of one-time recycling efforts, ongoing programs, responsible parties, collection volumes, revenue expended and generated, and participation rates; an evaluation of each recycling activity's cost-effectiveness, public acceptance, and public participation; and a brief description of proposed or continuing recycling efforts.

(2) Local governments in non-compliant counties will be ineligible to receive funds from the Solid Waste Management Trust Fund until compliance is obtained.

CODING: Words stricken are deletions; words underlined are additions.

* Amendment No. __, taken up by committee: Adopted *
* Offered by ___ Failed ___

(Amendment No. ___ Adopted ___ Failed ___ Date ___/___/___)

88s5000/nrc08m
(3) Local governments are encouraged to work with industry to develop cooperative recycling programs, in order that the local supply of recyclable materials will not exceed the demand for such materials.

(4) Entities providing recycling services within a county are permitted to use the proceeds from the sale of recyclables to fund their recycling activities, as well as other activities, and shall not be prohibited from making a profit. However, such entities shall notify the local government having jurisdiction over the area which they serve of their activities, type of service, and service area. Local governments shall have the option of providing recycling services in areas where such service is already being provided in the event that existing service is deficient or unsatisfactory to the local government.

(5) Recyclables shall include all waste materials which can be used as primary materials by another party.

(6) The department shall compile the recycling activity reports submitted by the counties, summarize the results, and make recommendations to the Legislature for a statewide local recycling program. Such recommendations shall incorporate the most successful local efforts. The report is due on January 1, 1991.

CODING: Words stricken are deletions; words underlined are additions.
SENATE COMMITTEE AMENDMENT

SB 5000

HB ___

The Committee on Natural Resources...recommended the following amendment which was moved by Senator...and adopted:

Senate Amendment

On page .........., line .......... strike

If amendment is text from another bill insert: No

Bill No. Draft No. With Changes? Yes

and insert:

Section __. Part VIII and Section 163.90, Florida Statutes, is created to read:

163.90 Regional Solid Waste Management Authorities.--

(1) Any two or more counties and any combination of municipalities within the counties may, by interlocal agreement pursuant to this chapter, establish a regional solid waste authority. Such authority may undertake responsibilities on behalf of participating members for any aspects of solid waste collection and disposal, including the development and operation of equipment and facilities necessary for collection and disposal of solid waste. Municipalities shall not establish a regional solid waste authority without participation from two or more counties. No regional solid waste authority shall operate until it has been approved by the Department of Environmental Regulation. The department shall approve an interlocal agreement establishing a regional solid waste management authority only if it determines the authority has the administrative ability and financial capacity to implement a workable solid waste management plan within its jurisdiction.

CODING: Words stricken are deletions; words underlined are additions.

* Amendment No. __, taken up by committee: Adopted *
* Offered by Failed *

(Amendment No. ___ Adopted ___ Failed ___ Date __/__/)
(2) Any regional solid waste management authority shall be supervised and managed by a board consisting of one county commissioner from each participating county and one municipal commissioner from each participating municipality and the public works director from each participating county and municipality. The county commissioner shall be selected by the board of county commissioners of each county, respectively. The municipal commissioner shall be selected by the municipal commission or council of each municipality, respectively.

(3) The governing board for the regional solid waste authority shall promulgate procedures under which the authority will operate and employ personnel, and procedures for the management, maintenance and operation of any equipment and facilities of the authority. Financing for general operations of regional solid waste authorities shall be from fees charged for solid waste collection or disposal services, plus any local government revenue sources made available to the authority.

(4) Authorities may exercise the power of eminent domain in the manner provided by law for the condemnation of private property for public use to acquire title to such property as is necessary to the exercise of the responsibilities of the authorities created under this act. However, the power of eminent domain shall not be used to condemn solid waste management facilities owned by a municipality or county.

(5) In the case of any solid waste management facility operated by a regional solid waste authority, every county or municipality which is a party to the interlocal agreement shall be jointly liable for any environmental damages.
remedial actions, compliance costs, and civil penalties which result from the operation of the facility in violation of department rules. Such liability shall be on a pro rata basis, based upon the percentage of the waste stream originating in each county. In no case shall the county in which the facility is located or any other county be liable for more than its pro rata share of such costs unless the violation or pollution is solely the result of gross negligence on the part of that county.

(6) A participating county or municipality in the authority may elect to withdraw from the authority, provided that such withdrawal is approved by a unanimous vote of the governing board and the boards of county commissioners and municipal commissioners or councils of all participating counties and municipalities.

(7) The withdrawing county or municipality shall remain obligated for the payment of its proportionate share of any lease agreement or long term debt entered into by participating counties and municipalities, unless otherwise provided by the authority's governing board.
I. SUMMARY:

A. Present Situation:

Currently s. 719.114, F.S., provides for the ad valorem taxation of cooperative parcels. No recognition of this is contained in Chapter 193, F.S.

The ad valorem tax bill, or "Notice of Taxes," must be mailed by the tax collector within 20 days of receiving the certified tax roll from the property appraiser. The notice must state the taxes due, back taxes that remain unpaid and must advise the taxpayer of discounts allowed for early payment. No form is specified. The notice must be accompanied by a printed statement pursuant to s. 197.342, F.S.

Section 197.342, F.S., specifies a statement that must accompany the "Notice of Taxes." This statement must contain for each taxing authority as a whole:

--the rolled-back millage rate
--taxes that would have been collected at the rolled-back rate
--actual millage rates levied for the current year
--amount of tax dollars that will be raised in the current year
--dollar and percentage difference between actual and rolled-back rates.

Section 193.075 incorrectly cross-references the motor vehicular licensing of mobile homes as being contained in subsection (8) of s. 320.08. Actually, the motor vehicular licensure provision is not governed by subsection (8) but by subsection (11).

Prior to the enactment of Chapter 85-342, Laws of Florida, which among other things was a technical rewrite to Chapter 197, s. 197.0151 provided that personal property tax liens applied to all personal property of a taxpayer in his county. This lien provision apparently was inadvertently omitted in the rewrite. Other types of tax liens in Florida apply to all of the delinquent taxpayer's property.

Under s. 197.122, F.S., tax collectors may destroy a tax record after 5 years if they maintain a duplicate on microfilm.

Local taxing authorities wanting to generate revenues which exceed the preceding years revenues must call the increased revenues a tax increase by advertising it as a tax increase in the newspaper and in the taxpayer notices of proposed taxes required by the truth in millage section, s. 200.065, F.S. (TRIM). Thus, TRIM requires advertising a tax increase even
increases the tax base, local taxing authorities could use the increase value to raise taxes within the meaning of TRIM and not be required to advertise it as a tax increase. Currently, the taxing authorities must notify local taxing authorities of the millage rates within 101 days of the date the property appraiser certifies the roll.

Section 286.0105, F.S., requires all government meeting notices to include a statement that a record of the proceedings may be needed if an appeal is taken. This requirement also applies to TRIM notices.

B. Effect of Proposed Changes:

A cross reference is added to Chapter 193, F.S., referring to the method for assessing cooperative parcels in s. 719.114, F.S. No substantive change is made.

The form and content of the "Notice of Taxes," is specified. The form must include:

--the county name and mailing address of the tax collector
--complete mailing address of at least one property owner
--short legal discription of the property and parcel ID number
--statement of combined levies and discounted amounts when paid early
--assessed value, exempted value and taxable value
--subheadings for columns showing millage rates and tax amounts for each taxing authority
--local governments must be listed in the same order as on the TRIM notice. Independent special districts, municipal service taxing units and voted debt service millages must be shown separately for each local government.

The title of the printed statement accompanying the "Notice of Taxes" is changed to "Millage and Tax Statement."

The committee substitute properly cross-references s. 320.08(11).

The bill reinstates the provision that personal property tax liens for outstanding personal property taxes shall be liens against all personal property of the taxpayer within the county.

Section 197.122, F.S., is amended to allow the destruction of a tax record after only one year if a duplicate is maintained on microfilm.

Section s. 200.065, F.S., is amended to prohibit local taxing authorities from adopting without additional notice to the taxpayers a higher property valuation than initially certified to the Department of Revenue. If the Department's review of the tax roll results in raising the value of the roll, this section would prohibit the taxing authority from using the
II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

To the extent that more information is provided on the "Notice of Taxes" form, the public will be better informed concerning local government tax levies.

Personal property tax liens would once again apply to all of a taxpayer's personal property in the county.

Taxpayers would receive additional TRIM notification in situations in which a taxing authority wishes to adopt a higher property valuation than that initially certified.

B. Government:

The required form contains more information and requires more room than forms now being used by many tax collectors. There may be some additional costs to these tax collectors to comply with the proposed changes.

Tax collectors could more efficiently keep records by being allowed to destroy microfilmed tax receipts after 1 year rather than being required to hold them for 5 years.

Taxing authorities wishing to adopt higher property evaluation than those certified would incur the additional expense of notifying taxpayers of such a proposal pursuant to TRIM.

III. COMMENTS:

This act would take effect July 1, 1988, or upon becoming a law, whichever occurred sooner. It would apply to tax notices mailed this November.

IV. AMENDMENTS:

None.
The committee substitute deletes a proposed requirement that a tax notice state that tax certificates are outstanding, leaving intact the current law provision that the notice state merely the amount of current taxes due and that back taxes, if any, remain unpaid.

The committee substitute contains five additional provisions which:

1. Correct a cross reference to mobile home license plates.

2. Reinstate a provision which was inadvertently left out of a major revision to chapter 197, F.S., in 1985, which applies personal property tax liens to all personal property of a taxpayer in the county.

3. Allow the tax collector to destroy tax receipts after 1 year after microfilming them, rather than after 5 years as provided in current law.

4. Prohibit local taxing authorities from adopting without additional notice to the taxpayers a higher property valuation than initially certified to the Department of Revenue. If the Department's review of the tax roll results in raising the value of the roll, this section would prohibit the taxing authority from using the higher valuation as a basis for increasing revenue without properly notifying the taxpayers of an increase in taxes pursuant to truth in millage (TRIM). The local taxing authorities are also required to notify the property appraiser, the tax collector and the Department of Revenue within 3 days of setting the millage rate.

5. Exempt TRIM notices from the requirement that government meeting notices contain a statement that a record of proceedings may be needed if an appeal is to be taken.

Committee on Finance, Taxation and Claims

______________________________
Staff Director

(FILE THREE COPIES WITH THE SECRETARY OF THE SENATE)
I. SUMMARY:

A. Present Situation:

Each Floridian generates more than six pounds of solid waste each day for a total of 13 million tons per year statewide. Local governments have historically been the providers of solid waste services in this state. However, most of these providers are experiencing solid waste management problems related to an inability to site new solid waste management facilities or inadequate funds to pay for solid waste management services and facilities. The following factors illustrate the magnitude of the problem statewide:

a. By 1990, the state's solid waste generation will have increased by almost 5 million tons due to population growth and increased rates of generation (a 38% increase);

b. solid waste generation rates of individuals are increasing by 11 percent per year (generation rates increase as income increases);

c. the costs of landfill disposal are increasing. From 1980 to 1985, landfill costs increased only an average of 10 percent per year, however, by 1990 it is expected that landfill costs will increase by 86 percent over the 1985 level because of more stringent rules at both the federal and state level;

d. the cost of solid waste management is the second largest expense of local governments on a national basis;

e. certain wastes present special problems that threaten the public health and safety, as well as taking up valuable space in the landfill (Tires are a panacea for mosquito breeding and also a fire hazard.);

f. the average cost for solid waste management in 1985 was $20.01 per ton representing a total statewide cost in excess of $250 million in 1985. The average cost of disposal in 1988 is expected to be $20-$40 per ton at landfills and $60-$70 per ton at waste-to-energy facilities;

g. approximately one-third of the landfill space available in the state in 1985 will be closed by 1996;

h. the average estimated cost for initial closure of a landfill is $64,200 per acre and the average cost for construction of a new landfill is $73,500;
i. the cost to counties for complying with more stringent landfill closure standards for their existing landfills is expected to be $103 million by 1995;

j. in 1985, 18 Florida counties reported that they would be closing all their existing landfill acreage by 1996;

k. at the current rate of landfilling, 64,000 more acres of landfills will need to be sited by 1997; and

l. the Department of Environmental Regulation (DER) has listed 48 solid waste landfills in the state as suspected of being, or known as, sources of environmental contamination and public health threats. Only nine of the 48 sites are on the federal Superfund list, making them eligible for federal clean up funds.

On August 4, 1987, the Select Committee on Solid Waste was appointed in the Senate. This Committee studied the solid waste problems in the state for eight months and developed a proposal to comprehensively provide solutions. Senate Bill 1192 is the work product of the Select Committee and emphasizes waste reduction and recycling.

Currently, Chapter 197, F.S., refers to ad valorem tax and special assessments, requires an ad valorem assessment roll and tax rates and allows for collecting special assessments as provided for collection of ad valorem taxes. There is no uniform method for preparing non-ad valorem assessment rolls, notifying property owners of non-ad valorem assessments due, or collecting non-ad valorem assessments. Non-ad valorem assessments are imposed and collected in as many different ways as there are counties in the state.

B. Effect of Proposed Changes:

Section 1. The short title is the Florida Solid Waste Management and Reduction Act.

Section 2. The legislative findings are revised to emphasize recycling.

Section 3. The terms department, county or municipality, person, guarantor, solid waste, generation, transport, processing, operation, storage, monitoring well, initial cover, closure, yard trash, clean debris, compost, composting, sludge, white goods, solid waste management, solid waste management facility, solid waste disposal facility, landfill, disposal, land disposal, class I solid waste land disposal area, class II solid waste land disposal area, volume reduction plant, recycling, recovered material, secondary recyclable material, resource recovery, resource recovery equipment, hazardous waste, hazardous waste management, hazardous waste facility, treatment, hazardous substance, manifest, biohazardous waste, biohazardous waste generator, construction and demolition debris, and biological waste are defined.

Section 4. Various powers and duties of the department are described.

Section 5. Recovered materials are not regulated as solid waste if a majority of the recovered materials at a facility are demonstrated to be sold, used, or reused within 1 year; if the recovered materials or the products and byproducts of operations that process recovered materials are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water; and if such materials are not defined as hazardous waste. Biohazardous waste and biological waste shall be disposed of by such means as DER shall authorize.
Section 6. Section 403.705, F.S., relating to resource recovery and management, is repealed.

Section 7. DER is directed to initiate rulemaking to establish standards for the production of compost.

Section 8. Counties are responsible for operating solid waste disposal facilities. Unless approved by interlocal agreement or special act, municipalities shall not operate solid waste disposal facilities five years from the effective date of this bill. Municipalities may construct and operate solid waste disposal facilities in conjunction with the operation of a resource recovery facility without an interlocal agreement provided the operation of the municipal solid waste disposal facility will not interfere with the bond debt service payments for an established county-owned solid waste disposal facility or otherwise result in increased costs to the county. Municipalities may continue to operate existing disposal facilities permitted prior to July 1, 1988. Municipalities are responsible for collection and transportation of solid waste from their jurisdictions to the county disposal facility. Counties are authorized to charge reasonable fees for the handling and disposal of solid waste. Solid waste volumes disposed at a disposal facility may be estimated until July 1, 1989, landfills and resource recovery facilities must have scales for weighing solid waste. By October 1, 1989, counties must provide for solid waste management operating and maintenance costs on a cost accounting basis and such true costs shall be the basis of user fees charged. Private industry is not prohibited from operating solid waste disposal facilities provided that the facilities are in compliance with permitting requirements and conditions.

By January 1, 1990, where local governments are providing solid waste services, they must collect user fees sufficient to completely support the costs of waste disposal and the majority of the remainder of the solid waste management program. By October 1, 1993, where local governments are providing solid waste services, they shall collect user fees sufficient to completely support their solid waste management program. Exemptions from these requirements may be granted, provided that a local government solid waste program is fully in compliance with s. 403.701-403.763, F.S., and that its future solid waste management program needs will be fully supported for the next 20 years. Implementation of user fees is a requirement for eligibility for funding under s. 403.709, F.S. The county tax collector shall include any solid waste management assessments, fees or rates as a separate item on the annual county or municipal property tax bill if requested by the county or municipality.

Each county shall be required to implement a recycling program by July 1, 1989. In solid waste disposal facilities, clean debris, white goods, and tires must be separated and segregated. The white goods and tires must be held until such time that they can be recycled. Newspaper, aluminum cans, glass, and plastic bottles must be separated from the waste stream and recycled. Local governments are encouraged to separate all plastics, metal, and paper for recycling and are encouraged to recycle yard trash and other mechanically treated solid waste into compost. By October 1, 1993, the annual solid waste which is disposed must be 25 percent less than the 1988 volume. Local governments shall implement recycling public education programs. Local governments shall implement a system where tipping fees may be waived or reduced if recyclables are brought in with a load of solid waste, unless it will jeopardize bonding arrangements.

By November 1, 1988, and each year thereafter, each county must report to DER on its recycling activities. Local governments which do not comply with certain recycling requirements shall
not be eligible for grants from the Solid Waste Management Trust Fund and DER may notify the State Treasurer to withhold payment of funds payable to the local government from the General Revenue Fund or any other state fund, to the extent not pledged to retire bonded indebtedness, unless the local government demonstrates that good faith efforts to meet the requirements have been made or that the funds will be used to finance the correction of a pollution control problem that spans jurisdictional boundaries.

Local governments shall design recycling programs which assign a major role to private industry. Recycling facilities shall be operated on an avoided-cost basis.

Local governments may impose certain conditions related to solid waste disposal, upon the issuance of an occupational license. The applicant shall be required to demonstrate the existence of some arrangement or contract by which the applicant will dispose of solid waste in a manner consistent with the local government ordinance. The local government may require proof of a contract with a qualified and duly licensed collector, if the applicant will produce biohazardous or biological waste.

Section 9. State agencies, local governments and their contractors are required to procure products made from secondary recyclable materials when those materials are available at reasonable prices. A decision not to procure such items must be based on a determination that such items are not available within a reasonable period of time or they fail to meet performance standards set forth in the specifications of the agency.

Section 10. All state agencies are required to procure compost products when they can be substituted for, and cost no more than, regular soil amendment products, provided the compost products meet all applicable state standards and regulations.

Section 11. Solid waste permits shall not be required for: a) disposal by persons of residential solid waste resulting from their own activities on the property occupied by the household; b) disposal by persons of solid waste resulting from their own activities on their property, provided the environmental effects of such disposal on groundwater and surface waters are addressed by a site certification order, a permit issued by the department, a groundwater monitoring plan, or an exemption from a groundwater monitoring plan; c) solid waste disposal areas limited solely to the disposal of construction and demolition debris, under certain conditions; d) disposal by persons of solid waste resulting from their own activities on their own property, provided that such disposal occurred prior to October 1, 1988; e) disposal of solid waste resulting from normal farming operations; and f) the use of clean debris as fill material.

Water management districts shall prepare advisory reports on solid waste disposal permits. DER may not issue a construction permit for a new solid waste landfill within 3,000 feet of Class I surface waters.

After July 1, 1990, biohazardous waste transporters must register with DER prior to engaging in the biohazardous waste transport business.

Section 12. Plans and applications for a permit to construct and operate a solid waste management facility may be prepared and submitted by any public officer of a local government when the planned construction is estimated to cost less than $10,000.
Section 13. A person may not transport biohazardous waste within the state without registering with DER.

On or after July 1, 1989, no person may sell any beverage within the state in a metal container designed with a detachable metal ring or tab. On or after January 1, 1989, no person may sell any containers connected to each other by a separate device made of plastic, which is not capable of degrading within 12 months after being exposed to outdoor elements, and will be hazardous to the environment.

On or after July 1, 1990, no person shall distribute, sell, or expose for sale any beverage container, non-solid food container, or non-food liquid container which is composed of more than one type of plastic. This requirement does not apply to labels, caps, or other sealing devices used on containers. If the producers of the containers addressed in this paragraph introduce alternative containers in the state which the department deems to be degradable within 12 months of being exposed to outdoor elements and nonhazardous to the environment, the restrictions of this paragraph may be waived.

On or after July 1, 1990, a person may not distribute, sell, or expose for sale in this state any plastic container unless it has a molded label indicating the plastic resin used to produce the container. The label must be a clearly visible label on the bottom of the container.

Disposal of lead acid batteries at solid waste management facilities is prohibited after January 1, 1989.

No person may, on or after January 1, 1992, distribute, sell, or offer for sale in this state any products used in conjunction with food for human consumption composed of polystyrene foam or plastic coated paper unless such products are capable of degrading within 12 months after the product is exposed to outdoor elements and will be nonhazardous to the environment. Products developed to meet the degradable criteria to be used in conjunction with food for human consumption, composed of polystyrene foam or plastic coated paper, are required to meet these requirements and are required to be used within 12 months after they have been certified as safe for such use by the U.S. Food and Drug Administration and are available in commercial quantities. DER shall make a determination on the degradability of the product. Businesses using such products are encouraged to formulate a three-year plan to research, test, and implement production technologies that will allow the product to meet the degradability requirements described herein.

A person who sells lead-acid batteries at retail may not refuse to accept used lead-acid batteries as trade-ins when new lead-acid batteries are purchased.

Violations of the state solid waste management rules, permits, or orders and violations of approved local programs of counties or municipalities shall be punishable by a civil penalty.

Section 14. No commercial establishment that processes food products for human consumption may dispose of any animal parts, fats, by-products, waste products, or vegetable oils, liquid or solid, in a landfill unless approved by DER.

Section 15. The Solid Waste Management Trust Fund is established within DER for the purposes of: a) funding DER solid waste activities; b) making grants and awards to local governments; c) providing funding for demonstration projects; and d) providing funding for research by state universities and independent nonprofit colleges and universities within the state which are accredited by the Southern Association of Colleges and Schools. Monies allocated to the fund from the
fee on new tires shall be used to: a) pay department administration costs for the tire programs; b) provide funding for research and demonstration projects relating to waste tire problems; c) provide funds for removal of tires from illegal waste tire sites; and d) provide grants to local governments for the waste tire program.

Section 16. DER shall develop grant programs for: recycling; solid waste education; and solid waste and secondary recyclable materials management for counties with populations of less than 30,000 through 1993.

Section 17. DER shall reserve $1.5 million in fiscal year 1989-90 to be used for recycling awards to local governments that implemented recycling programs prior to the effective date of this bill.

Section 18. Revenue bonds may be used to finance the cost of construction or maintenance of solid waste management facilities and closure of solid waste landfills.

Section 19. Flow control ordinances for resource recovery facilities shall not include newspaper, tires, white goods, yard trash, clean debris, metals, or other secondary recyclable materials generated at the point of generation or after collection and intended to be held for purposes of recycling.

Section 20. The Department of General Services (DGS) shall establish a program for recycling wastepaper and aluminum cans, at a minimum. Authorized uses of the proceeds shall include employee functions, expressions of sympathy or congratulations, and aid to employees in need. DGS shall initiate by January 1, 1989, programs at the Department of Natural Resources (DNR) and DER to demonstrate the workability of recycling wastepaper and aluminum beverage cans.

The Department of Commerce (DOC) shall assist and encourage the recycling industry in the state. By September 1, 1989, and every other year thereafter, DOC shall prepare a report assessing the recycling industry and recyclable materials markets in the state.

DACS shall investigate the potential markets for composted materials and shall submit its findings to DER for the waste registry informational program. On or before July 1, 1989, DACS shall report to the Legislature its findings relative to potential markets for composted materials, the types of materials which may legally and effectively be used in a successful composting operation, and the manner in which the composted materials should be marketed for optimum use.

The Department of Education (DOE) shall incorporate recycling education into the public school curriculum.

Section 21. DACS in cooperation with the Institute of Food and Agricultural Sciences (IFAS) and DER shall implement a demonstration project to exhibit the feasibility of composting yard trash from a typical municipal solid waste stream. The project is to be completed by February 1, 1990.

Section 22. DER, in cooperation with Wakulla, Franklin, and Bay Counties, shall undertake a demonstration project in fiscal year 1988-1989 to find acceptable solutions to problems created from the disposal of seafood processing by-products, including shellfish parts, at public landfills.

Section 23. The Florida House of Representatives, the Florida Senate, and the Office of the Governor shall institute recycling programs in the House and Senate office buildings and the Capitol by January 1, 1989.
Section 24. DER is required to establish a system for the examination and certification of recycling equipment which has a market value of $500 or greater for purposes of exemption from sales, rental, use, consumption, distribution, and storage tax and for obtaining a commercial recycling facility tax credit.

Section 25. Rules adopted for generators and transporters of hazardous waste and owners and operators of hazardous waste facilities which adopted by reference federal regulations that were effective on November 19, 1980, shall be applicable to the management of hazardous waste on or after November 19, 1980.

Section 26. Each person who intents to conduct post-closure care at a hazardous waste disposal, storage, or treatment facility shall obtain a post-closure permit from DER.

Section 27. DER may issue a research, development, and demonstration permit to the owner or operator of any solid waste management facility who proposes to utilize an innovative and experimental solid waste treatment technology or process for which permit standards have not been promulgated. The permit may include requirements DER deems necessary which may pertain to monitoring, operation, testing, financial responsibility, closure, and remedial action.

Sections 28, 29, and 30. Technical corrections are made to existing sections of law to provide for consistency with this bill.

Section 31. DER shall not make a recommendation for a site for a multipurpose hazardous waste facility to the Governor and the Legislature until July 1, 1989.

Sections 32 and 33. Technical corrections are made to existing sections of law to provide for consistency with this bill.

Section 34. The terms reclaiming, recycling, rerefining, used collection center, and used oil recycling facility are defined for the purposes of describing the used oil recycling program.

Section 35. No person may: discharge used oil into septic tanks; mix or comingle used oil with solid waste being disposed in landfills; or mix or comingle used oil with hazardous substances that makes it unsuitable for recycling. Any person who unknowingly disposes into a landfill any used oil which has not been properly segregated from other solid wastes by the generator is not guilty of a violation.

Section 36. DER shall conduct a public education program about used oil. The procurement of used oil for government use shall be encouraged and a five percent price preference may be given in procuring these recycled products.

Section 37. A person who maintains a used oil collection facility that receives more than 6,000 gallons of used oil annually must register annually with DER, however, any amount of used oil received from individuals who change the oil in vehicles owned by themselves or their families shall not be included in this amount for purposes of registration. An on-site burner which only burns a specification used oil generated by such burner is not required to register or report provided that such burning is done in compliance with any air permits issued by DER.

Section 38. DER shall submit an annual report to the Legislature which summarizes information on used oil collection and recycling, analyzes the effectiveness of the used oil collection and recycling program, and makes recommendations for any necessary changes.
Section 39. DER shall promote the use of used oil as a fuel for the generation of electricity. The feasibility of using used oil to fuel state government boilers and furnaces shall be explored by PRIDE. DOT shall examine the feasibility of using recycled oil products in road construction activities. DER, DOC, and DOT shall report to the Legislature on the results of these tasks by January 1, 1989. The Energy Office of the Governor shall work with DER to develop a proposal to achieve federal approval to utilize the Petroleum Violation Escrow Account to fund used oil activities.

Sections 40 and 41. Technical corrections are made to existing sections of law to provide for consistency with this bill.

Section 42. DER shall encourage voluntary public used oil collection centers and provide technical assistance for the establishment of such. All government agencies that change oil, and businesses that change oil, are encouraged to serve as designated public used oil collection centers. DACS shall assist DER in inspecting public used oil collection centers.

No person may recover response costs or damages, resulting from a release of used oil or hazardous substances against the owner or operator of a public used oil collection center if the used oil is: not mixed with any hazardous substance by the owner or operator of the public used oil collection center; not knowingly accepted with any hazardous substances contained therein; transported from the public used oil collection center by a certified transporter; stored in a public used oil collection center that is in compliance with state law or rules; or is in compliance with the federal Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended. An owner or operator of a public used oil collection center may presume that a small quantity of used oil accepted from any member of the public is not mixed with a hazardous substance.

Section 43. DER is authorized to develop an incentives program to encourage people who change their own oil to take it to a public used oil collection center. Incentives may include discount coupons, instant prize coupons, prize drawing entries, or promotional giveaways. DER may contract with a promotion company to administer the incentives program.

Section 44. DER shall develop a used oil grants program for local governments to encourage proper disposal of used oil. Grants shall not exceed $25,000. DER is authorized to initiate rulemaking by January 1, 1989, to carry out the grants program and make a report to the Legislature on the effectiveness of each grant.

Section 45. DER shall adopt rules to set standards, requirements, and procedures for used oil transporters and recyclers. Transporters of over 500 gallons of used oil annually over public highways shall be subject to certain liability, financial responsibility, recordkeeping, transportation, labeling, bill of lading, and container requirements. Special rules shall also be adopted for owners and operators of used oil recycling facilities.

Section 46. After January 1, 1990, any person who transports more than 500 gallons of used oil annually over public highways must be certified by DER.

Section 47. Permits from DER will be required for operating, modifying or closing a used oil recycling facility. Exemptions are provided.

Section 48. Subsection (4) of section 403.8055, F.S., relating to procedures for adopting EPA rules as a department rule, is repealed.
Section 49. DER is directed to establish qualifications for, and encourage the development of training programs for operators of landfills, coordinators of local recycling programs, and other solid waste management facilities. DER shall work with educational institutions in developing educational materials for persons wishing to be trained as operators of solid waste management facilities. A person must be appropriately trained in order to operate such a facility after January 1, 1990.

Section 50. The owner or operator of a landfill is required to levy a fee, surcharge, or other appropriate revenue producing mechanisms on all solid waste accepted to generate funds to meet state or federal closure requirements. The funds are to be deposited in a landfill management account, and administered by the owner or operator. Conditions are set for the collection, use, and reporting of those funds. Exemptions are allowed for those owners or operators who can demonstrate the financial resources necessary to comply with closure requirements.

Section 51. The terms department, motor vehicle, tire, waste tire, waste tire collection center, waste tire processing facility, and waste tire site are defined. The owner or operator of a waste tire site must notify DER of the existence of such site within six months of the effective date of the bill. On or after July 1, 1989, a person may not maintain a waste tire site unless such site is an integral part of the person's permitted waste tire processing facility. A person may not dispose of waste tires unless they are deposited at a permitted solid waste disposal facility, a waste tire site which is an integral part of a permitted waste tire processing facility, or a waste tire collection center. DER shall adopt rules to administer the waste tire program by January 1, 1989. A permit is not required for a tire retreading business where less than 1,000 waste tires are kept on the business premises, a business that removes tires from motor vehicles and less than 1,000 of these tires are kept on the business premises, or a retail tire-selling business which is serving as a waste tire collection center and less than 1,000 waste tires are kept on the business premises. DER shall encourage the voluntary establishment of waste tire collection centers for the public at retail tire-selling businesses, waste tire processing facilities, and solid waste disposal facilities.

Section 52. A fee of 50¢ is imposed on the sale of each new motor vehicle tire at the retail level. The revenue derived from this fee shall be deposited in the Solid Waste Management Trust Fund. The Department of Revenue is given administrative, collection, enforcement and audit authority as prescribed for in the general sales tax provisions of Chapter 212, F.S. The Department of Revenue is also authorized to promulgate rules and publish forms as necessary to implement this section.

Section 53. DER shall, by July 1, 1989, establish a program to make grants to counties which desire to, individually or collectively: a) construct or operate, or contract for the construction or operation of, a waste tire processing facility and equipment purchases therefor; b) contract for a waste tire processing facility service within or outside the county or state; c) remove or contract for the removal of waste tires from the county, region, or state; d) perform or contract for the performance of research designed to facilitate waste tire recycling; e) establishing waste tire collection centers at solid waste disposal facilities or waste tire processing facilities; and f) provide incentives for establishing privately operated waste tire collection centers for the public. Each county shall be eligible for a pro-rata share of the available funds. DER shall provide technical assistance to the counties, upon request, relevant to the waste tire program.
Section 54. The Florida Youth Conservation Corps and local governments are encouraged to initiate programs to supplement existing DOT litter programs.

Section 55. "Clean-Up Florida, Incorporated" is created as a nonprofit corporation. The board of directors shall be comprised of representatives from the following organizations: the Florida League of Cities, the Florida Association of Counties, the Florida Chapter of the National Solid Waste Management Association, the Florida Audubon Society, the Florida Nature Conservancy, the Associated Industries of Florida, the Florida Soft Drink Association, the Florida Petroleum Council, the Florida Retail Grocers Association, the Florida Retail Federation, the Pulp and Paper Association, the Florida Automobile Dealers Association, the Beer Industries of Florida, the Florida Beer Wholesalers Association, and the Distilled Spirits Wholesalers. The Secretaries of DER, DOT and the Department of Community Affairs (DCA) shall be ex-officio members. The board shall develop a program to help inform the public and business groups about solid waste problems; organize and conduct educational programs; determine the appropriateness of adopting the Keep America Beautiful system; conduct studies of activities by state and local agencies to solve recycling and litter problems and make recommendations to these agencies for improving these activities; conduct studies and recommend methods and incentives for eliminating excess packaging, using biodegradable packaging, retrofitting manufacturing operations to use secondary recyclable materials in production processes, recovering waste products generated in manufacturing processes, reducing the volume of solid waste disposed at solid waste disposal facilities, stimulating markets for and supplies of secondary recyclable materials, and identifying additional recyclable materials and uses for such materials. The board of directors shall employ a president to manage daily affairs of the corporation. The board of directors may employ or retain employees, borrow funds necessary to effect their purposes, sue or be sued, and negotiate and become a party to such contracts as are necessary to carry out their purposes. An annual assessment may be charged the members of the corporation in order to remove existing litter from state highways, to assure a continuous program of removal of litter statewide, and to pay the expenses and costs of the corporation. A litter survey will be conducted by the DOT.

Section 56. The State Comprehensive Plan goals are amended to require that by 1993 all volumes of solid waste requiring disposal be reduced by 25% of the 1988 solid waste volume; require that all counties provide a countywide solid waste collection system by 1993; and that programs be initiated to develop or expand secondary recyclable material markets.

Section 57. (s. 196.199, F.S.) A leasehold interest in property of the state may not be exempted from ad valorem taxation when a nongovernmental lessee uses such property for the operation of a multipurpose hazardous waste treatment facility.

Section 58. (s. 403.13, F.S.) A leasehold interest in property of the state or the facilities thereon may not be exempted from ad valorem taxation when a nongovernmental lessee uses such property for the operation of a multipurpose hazardous waste treatment facility.

Section 59. The Division of Purchasing is encouraged to maximize the use of products made from recycled paper by state agencies. Goals are established as follows: not less than 10 percent of the paper or paper products purchased on or after January 1, 1989, shall be made from recycled paper or recycled paper products; and not less than 30 percent of the paper or paper products purchased on or after January 1, 1990, shall be made from recycled paper or recycled paper products. The
division may consider that paper products made from recycled paper from this state is competitively priced even if their costs are up to 10 percent higher than paper products made from virgin paper products.

Section 60. DOT is directed to undertake demonstration projects, by January 1, 1990, using the following materials in road construction: a) ground rubber from tires; b) ash residue from coal combustion by-products; c) recycled mixed-plastic material; d) construction steel; and e) glass and glass aggregates. Within one year after the conclusion of the demonstration projects DER shall report to the Governor and the Legislature on the maximum percentage of each secondary recyclable material that can be effectively utilized in road construction projects. At the same time, DOT shall review and modify its standard road and bridge construction specifications to allow and encourage the use of secondary recyclable materials consistent with the findings of the demonstration projects. DOT shall contract for the investigation and evaluation of the use of ground tire rubber as an additive to asphalt concrete and other alternative uses of waste tires. This effort would be a cooperative effort with the state university system and the evaluation would be completed by March 1, 1989, with a report to the Governor and the Legislature.

Section 61. DOT shall establish a high visibility anti-litter program using the media and highway signs.

Section 62. Local governments are encouraged to form regional solid waste management authorities. The members of a regional solid waste authority shall form a governing board which will consist of local elected officials or their designees. The governing board of the regional solid waste management authority shall adopt procedures under which the authority will operate, employ personnel, and adopt procedures for the management, maintenance, and operation of equipment and facilities. General operations of the authority shall be financed from fees charged for solid waste collection or disposal services, and local government revenue sources available. Authorities may exercise eminent domain for the condemnation of private property for public use and may borrow money and incur long-term debt obligations in the form of revenue bonds. Every county and municipality that is a party to the authority is jointly liable for any environmental damages, remedial actions, compliance costs, and civil penalties which result from the operation of the facility in violation of DER rules. A participating county or municipality may elect to withdraw from an authority in accordance with such rules adopted by the authority.

Section 63. The terms biohazardous waste, biohazardous waste generator, department, sharps, and treatment are defined. HRS shall regulate the packaging, storage, and treatment of biohazardous waste at facilities which generate such waste. DER shall regulate on and off-site incineration of biohazardous waste and the off-site transport, storage, treatment or disposal. HRS shall promulgate rules by March 1, 1989, relative to its biohazardous waste responsibilities. An administrative fine not to exceed $2,500 may be imposed for each day a person or local government is in violation of the biohazardous waste regulations, as well as second degree misdemeanor penalties.

Section 64. The definition for infectious waste is deleted from s. 395.002, F.S., and a definition for biohazardous waste is added to the section.

Section 65. A sales tax credit is provided for industrial machinery and equipment purchased after July 1, 1988, for use in manufacturing plants if such equipment is integral to
recycling, expressly designed to utilize secondary recyclable materials, and is directly utilized to increase consumption by the taxpayer at a single location of Florida-source secondary recyclable materials by not less than 10%. This exemption is available by refund after the first full year of production and after the Department of Revenue certifies all criteria have been met.

Section 66. The Florida High Technology Innovation Research and Development Fund may be used for engaging in special programs to enhance the development of high technology applications and products from secondary materials markets.

Section 67. The Florida High Technology and Industry Council shall direct and coordinate the scientific and technological resources of the state to undertake research projects which may alleviate problems of critical economic or environmental magnitude identified by the Legislature. The first project shall relate to solid waste and the Council shall endeavor to solve problems associated with designing and implementing programs to recycle materials such as plastics, rubber, metal, glass, paper, and other components of the solid waste stream. The Council shall consult with DER in developing the research programs and shall report its findings to the Legislature by February 1, 1989, also recommending areas where additional research is needed.

Section 68. The Board of Regents shall coordinate research, training, and service activities related to solid and hazardous waste management conducted by state universities. The Board of Regents shall consult with DER in developing the research programs and provide DER with a copy of the proposed research program for review and comment. Research contracts shall be awarded to independent nonprofit colleges and universities within the state which are accredited by the Southern Association of Colleges and Schools on the same basis as those research contracts awarded to state universities. Research activities shall include methods and processes for recycling solid and hazardous waste, methods of treatment for detoxifying hazardous waste, and technologies for disposing solid and hazardous waste.

Section 69. On and after January 1, 1989, there shall be a waste newsprint disposal fee of 10¢ per ton of newsprint imposed upon every producer or publisher within the state. The fee shall be paid to DOR quarterly. A credit of 10¢ per ton of newsprint against the fee obligation may be taken by the producer or publisher for over-runs or such similar products not actually circulated or delivered and may also be taken for each ton of recycled newsprint used in publication of products. The Department of Revenue (DOR) is given administrative, collection, enforcement and audit authority as provided for in the general sales tax provisions of chapter 212, F.S. DOR is also authorized to promulgate rules and publish forms as necessary to implement this section. If DER determines by October 1, 1992, that newsprint produced and sold within the state is being recycled at a rate of less than 50% of the quantities that they represent in the solid waste stream, the fee on newsprint shall be increased to 50¢ per ton and the credits shall be 50¢ per ton effective October 1, 1992. If the 50¢ fee becomes effective on October 1, 1992, then producers and publishers must accept from the public newsprint previously produced, published, or offered for sale by that producer or publisher for recycling. The producer or publisher may claim a credit of 25¢ per ton of newsprint utilized in publications by their facility that have been returned and made available for recycling. The provisions of this section are repealed on October 1, 1995, and shall be reviewed by the Legislature prior to that date.
Section 70. The term solid waste facility is redefined for the purposes of Chapter 377, F.S. The Public Service Commission shall establish rules relating to the purchase of capacity or energy by electric utilities from local government solid waste facilities. The Public Service Commission shall authorize levelized payments for purchase of capacity or energy from a local government solid waste facility. The Public Service Commission is authorized to adopt the necessary rules to implement these provisions.

Section 71. If DER finds by October 1, 1992, that containers made of plastic, glass, aluminum, or other metals and sold in the state are not being recycled at a sustained rate of 50% of the quantities that each of these types of containers are sold in the state, then a fee of one tenth of one cent per container charged by retail establishments on all containers sold in this state shall go into effect. The fees shall be reported monthly to the Department of Revenue (DOR) and shall be deposited monthly into the Container Recycling Trust Fund which is created in DOR. DOR is given administrative, collection, enforcement and audit authority as provided for in the general sales tax provisions of Chapter 212, F.S. DOR is also authorized to promulgate rules and publish forms as necessary to implement this section. DER shall establish rules to: a) establish reporting requirements necessary to obtain necessary sales and recycling information; b) establish the appropriate identification markings to be placed on containers sold in the state; c) establish the criteria to determine whether the 50 percent recycling rate has been achieved; and d) establish the criteria for registration of public and private recycling centers. Containers for which an advance disposal fee has been charged may be returned to recycling centers for a refund of the fee in addition to payment for the market value of the container. Unclaimed monies which remain in the Container Recycling Trust Fund shall be allocated to support container recycling programs as follows: a) capital assistance grants - 60%; b) litter control - 15%; c) promotion and education - 10%; d) technical assistance - 8%; e) research and development - 5%; and f) administration - 2%. If DER determines by October 1, 1995, that containers made of plastic, glass, aluminum, or other metals and sold in the state are not being recycled at a rate of 50% of the quantities that these individual types of containers are sold within the state, the fee shall increase to 1¢ per container. These provisions and the provisions of Section 72 shall be repealed October 1, 1995, and shall be reviewed prior to that date by the Legislature.

Section 72. The terms container, consumer, dealer, distributor, manufacturer, nonrefillable container, refillable container, and redemption center are defined. Every container sold in the state shall have a refund value established by the distributor of not less than 5¢ except for those refillable containers which have a refund value of not less than 10¢. Consumers must deposit with the dealer the refund value of each container purchased from that dealer. A dealer must accept any empty, unbroken, and reasonable clean container of the type, size and brand sold by the dealer within the past 60 days and shall pay in cash the refund value of the returned container. A dealer may limit the total number of containers that he will accept from any one consumer in any business day to 96 containers and may refuse to accept containers for a period of not more than three hours during the business day. Vending machines must have notices posted on them that indicate that a refund is available on each container purchased and where such refund must be obtained. A distributor shall accept from a dealer any containers of the type, size, and brand sold by the distributor within the past 60 days and pay the dealer the refund value of the container plus a handling fee of at least 20% of the refund value of each container. A distributor may refuse to accept from any person who is not a dealer a quantity of fewer than 599 containers. A distributor shall not be
required to pay a manufacturer a deposit on a nonrefillable container. Any person may establish a redemption center and determine what containers will be accepted. The Department of Environmental Regulation (DER) shall adopt rules to administer these provisions. State informational material printed after December 31, 1988, shall contain information related to these provisions. DOE shall incorporate information concerning these provisions into educational materials distributed to primary and secondary schools within the state. Any person who violates any of the provisions of this section is guilty of a misdemeanor of the second degree. These provisions shall not take effect until October 1, 1995.

Section 73. The Solid Waste Management Advisory Council is created to advise and assist DER in implementing this bill. The Council shall have 15 members appointed by the Governor, the Speaker of the House of Representatives, and the President of the Senate. The duties include: evaluate present solid waste management practices; assess new technologies available for solid waste management; evaluate the environmental and performance capabilities of new solid waste management technology; examine economic and legal impediments to the implementation of new solid waste management technologies; examine impacts on local communities in implementing recycling requirements of this bill; recommend reasonable methods for implementing the advance disposal fee program when required by the Florida Solid Waste Management and Reduction Act; and recommend ways for state and local governments to improve the implementation of the requirements of the bill. Each member is entitled to receive per diem and travel expenses while carrying out official business of the council. The Council is assigned to DER, appointments shall be made as soon as possible after the effective date of the bill, and the council shall continue in existence until October, 1995, unless the Legislature continues the council beyond that time. A chairman shall be elected by majority vote of the other members.

Section 74. Dealers who collect the sales tax shall be allowed 2.5% of the amount of the tax due for compensation for collecting the tax. If the amount of the tax due for the reporting period exceeds $1,200, the 2.5% allowance shall be reduced to 0.80% for all amounts in excess of $1,200.

Section 75. Each person who holds a certificate of registration granted under subsection (3) of s. 212.18, F.S., and who had taxable sales during the preceding calendar year of $30,000 or more shall pay an additional fee for each certificate of registration granted. For certificate holders with taxable sales during the preceding calendar year of at least $30,000 but no more than $200,000, the fee shall be $25. For certificate holders with taxable sales during the preceding calendar year of $200,000 or more the fee shall be $50.

Section 76. An amount equal to two-tenths of 1 percent of the proceeds remitted by the dealers who collect sales tax shall be transferred into the Solid Waste Management Trust Fund.

Section 77. Litter and person are redefined. The terms aircraft, commercial purpose, commercial vehicle, dumping, material, motor vehicle, person, and vessel are defined. It is unlawful for any person to throw, discard, place, or deposit litter in any manner or amount or to dump material that weighs more than 500 pounds or that occupies a volume of more than 100 cubic feet, or to dump any quantity for commercial purposes. Any person discarding, placing, or depositing in violation of this provision of a weight not exceeding 15 pounds shall be guilty of a noncriminal infraction, punishable by a civil penalty of $50.00. The court may impose penalties of picking up litter or performing other labor commensurate with the offense committed. Any person throwing, discarding,
placing, or depositing litter in violation of this provision in an amount exceeding 15 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds in weight or 100 cubic feet in volume, shall be guilty of a misdemeanor of the first degree. The court may impose additional work penalties upon such person. If the violation involved the use of a motor vehicle, upon conviction, the court shall forward a record of the conviction to the Department of Highway Safety and Motor Vehicles, which shall record a penalty of 3 points on the violator's driver's license. Any person dumping material that weighs more than 500 pounds or that occupies a volume of more than 100 cubic feet, or dumping any quantity of material for commercial purposes shall be guilty of a felony of the third degree. A court may order such violator to remove or render harmless the material that was dumped; repair or restore property damaged by, or pay damages for any damage arising out of, the dumping; or perform public service relating to the removal of the material dumped or to the restoration of an area polluted by the material dumped. A court may enjoin a violation of the felony provisions of this section. A motor vehicle, vessel, aircraft, container, crane, winch, or machine used to dump material that weighs more than 500 pounds or exceeds more than 100 cubic feet in volume is declared contraband and is subject to forfeiture. If a person sustains damages arising out of a violation of the felony provisions, a court shall order the person who violated such provisions to pay the injured party threefold the actual damages or $200, whichever is greater. The court shall also order the person who violated such provisions to pay the injured party’s court costs and attorney’s fees. A final judgment or decree rendered in a criminal proceeding against a defendant charged with violating the felony provisions of the section estops the defendant to assert any issue in a subsequent civil action that would be estopped if such judgment or decree were rendered in the civil action if the criminal judgment or decree was not based upon a plea of no contest or nolo contendere. In the criminal trial of a person charged with violating a provision of this section, the state does not have the burden of proving that the person did not have the right or authority to dump material or that material dumped on private property causes a public nuisance. The defendant has the burden of proving that he had authority to dump the material or that the material dumped does not cause a public nuisance. It is the duty of law enforcement officers to enforce these provisions.

Section 78. The point system for evaluation of convictions of violations of motor vehicle laws or ordinances shall also pertain to provisions of s. 403.413 (5)(b), F.S., relating to illegal dumping.

Section 79. The Applications Demonstration Center for Resource Recovery from Solid Organic Materials is created, which shall be operated to demonstrate and evaluate advance low-cost technologies for treatment of solid waste and improvement of water quality that were developed from research in the state. The Institute of Food and Agricultural Sciences (IFAS) at the University of Florida shall operate the demonstration center in cooperation with Reedy Creek Energy Services, Inc.

Section 80. The Florida Cooperative Extension Service shall conduct workshops at the Applications Demonstration Center for Resource Recovery from Solid Organic Materials to demonstrate applicable technologies to city, county, and industrial waste managers for: a) reducing the potential for eutrophication in off-site waterbodies and the adverse effects associated with conventional ways of treating solid organic wastes; b) using energy crops to extract nutrients from waste water and sludges; and c) producing methane gas, compost, and other useful products in the process of managing wastes.
Section 81. A program advisory committee is created to advise IFAS in the operation of the Applications Demonstration Center for Resource Recovery from Solid Organic Materials. The committee shall consist of seven members.

Section 82. Section 197.102, F.S., is amended for accommodation of non-ad valorem assessment certificate procedures in the definition of "tax certificate" and "tax notice"; specifies that the bill that combines the ad valorem taxes and the non-ad valorem assessments is pursuant to the uniform method, as opposed to other methods allowed in this chapter; defines "ad valorem tax roll" and "non-ad valorem assessment rolls"; clarifies that the tax roll and assessment roll will not be synonymous after January 1, 1989.

Section 83. Section 197.322, F.S., is amended to require the combined non-ad valorem assessment and notice of ad valorem taxes to conform to s. 197.3635.

Section 84. Section 197.363, F.S., is amended to provide property appraisers the option of continuing to place non-ad valorem assessments on the ad valorem roll, if they have done so in the past.

Section 85. Section 197.3631, F.S., is created to allow other methods of collection providing that they do not require all the services of the property appraisers and tax collectors specified by the uniform method, effective October 1, 1989.

Section 86. Section 197.3632, F.S., is created to define the terms levy, local government, local governing board, non-ad valorem assessment, and non-ad valorem assessment roll and compatible electronic medium or media. Local entities are required to utilize the uniform method of non-ad valorem assessment to comply with certain procedures: a) each local government levying non-ad valorem assessments must have a written agreement with the property appraiser and tax collector providing for reimbursement of administrative costs; b) the local entity must submit to the property appraiser by January 10, a copy of the ordinance authorizing the non-ad valorem assessment and a legal description of the boundaries of the area subject to the assessment. The property appraiser must furnish certain information relative to property in the area described to that local entity by June 1; c) all existing or new taxing authorities must comply with the provisions related to the hearing for approval of the non-ad valorem assessment roll; d) for new assessments, the non-ad valorem assessment roll must be adopted at a public hearing held by each local entity levying non-ad valorem assessments after proper noticing; e) non-ad valorem assessment rolls adopted pursuant to this section must be certified to the tax collector no later than September 15 of each year; f) provides that non-ad valorem assessments are subject to all collection provisions in Chapter 197, F.S., including provisions relating to discount for early payment, prepayment by installment method, penalty for delinquent payment, and issuance of tax certificates and tax deeds for nonpayment and deferred payment; g) provides that the sale of a tax certificate for unpaid non-ad valorem assessments shall be in accordance with s. 197.432(4), F.S., relating to the protection from loss of homestead property when a certificate is for less than $100; h) assigns responsibility for the quality and compatibility of information on the non-ad valorem assessment roll.

Section 87. Section 197.3635, F.S., is created to specify the format and content of the combined non-ad valorem and ad valorem tax bill. The actual bill format is not included in the statute, but each form must be approved by the Department of Revenue.
Section 88. Section 203.10, F.S., relating to gross receipts tax on commercial hazardous waste facilities is transferred to s. 403.7215, F.S.

Section 89. Appropriations are provided for the bill.

Section 90. The act shall take effect upon becoming a law, except for those section where another effective date is provided and except for Sections 77 and 78 which shall take effect October 1, 1988.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

The general public will be impacted in a variety of ways by this bill. First, there is little doubt that solid waste services will cost the public more in the future and they may pay for it in a different manner. Secondly, the success of this program is dependent on changing the public's solid waste habits, specifically convincing the public to reduce the volume of garbage which must be disposed, recycle all of the recyclable components, and pay the true costs of solid waste services.

The business community will have many opportunities to expand in the solid waste management and secondary recyclable materials markets. At the same time, monetary incentives such as grants, tax credits and exemptions, as well as results of mandated research, will be available to stimulate such business activity.

B. Government:

Revenues

1. A sales tax credit is provided for industrial machinery and equipment purchased after July 1, 1988, for use in manufacturing plants if such equipment is integral to recycling, expressly designed to utilize secondary recyclable materials, and is directly utilized to increase consumption by the taxpayer at a single location of Florida-source secondary recyclable materials by not less than 10%. This exemption is available by refund after the first full year of production and after the Department of Revenue certifies all criteria have been met. The annualized impact of this exemption would be a total of $9.5 million. However, in 1988-89 the impact would be zero and in 1989-90 the impact would be approximately half the annualized amount.

2. A fee of 10 cents per ton would be charged on newsprint used by "producers and publishers" of printed material. A credit of 10 cents per ton would be available for overruns, for product not circulated, and for using recycled paper. If, by 1992, certain recycling goals are not met by the industry the fee would increase to 50 cents per ton, the credit would be 50 cents per ton for overruns, product not circulated and for using recycled paper, and a credit of 25 cents would be given for each ton of newsprint returned to the facility and made available for recycling. The fee would be collected from the producers and publishers by the Department of Revenue. An insignificant sum of money would be collected in 1988-89 and each year thereafter. However, any revenue collected would be placed in the Solid Waste Management Trust Fund.

3. A fee of 50 cents would be collected on each new motor vehicle tire sold in Florida. The fee would be collected from retail sellers of new motor vehicle tires by the Department of Revenue in the same manner as sales taxes are
collected. In 1988-89, $3.1 million would be collected, with annualized collections of $7.5 million. These revenues would be deposited in the Solid Waste Management Trust Fund.

4. The advance disposal fee of one-tenth cent for containers would go into effect on October 1, 1992, on plastic, glass, aluminum and other metal containers if at least a 50% recycling rate is not achieved for each type of container by that time. The fee would apply to each type of container containing 5 ounces or more. A refund would be granted on each container returned to a recycling center. If this fee were fully in effect for 1988-89, $8.1 million would be raised, not counting refunds on those recycled. Approximately 22% of the total is from glass containers, 59% from metal containers, and 19% from plastic containers.

5. Beginning January 1, 1989, the dealer collection allowance for collecting the sales tax would be reduced approximately to a level such that dealers receive an allowance equal to what would have been received had not the sales tax been increased from 5 to 6 percent. Instead of receiving 3% of the first $1000 of taxes due per month and 1% thereafter, dealers would receive 2.5% of the first $1,200 of taxes due and .8% thereafter. In 1988-89, an additional $6.0 million in sales tax monies would be collected, with an annualized increase of $14.5 million. Two-tenths of one percent of all sales tax collections would be transferred to the Solid Waste Management Trust Fund prior to other distributions of the sales tax.

6. An annual fee would be charged all dealers with $30,000 or more of taxable sales during the preceding calendar year. For dealers with taxable sales of more than $30,000 but less than $200,000 the fee would be $25. For dealer with $200,000 or more of taxable sales the fee would be $50. In 1988-89, $8.0 million would be collected. This is also the annualized amount. These revenues would be placed in the Solid Waste Management Trust Fund.

7. The consolidation and uniform collection of non-ad valorem assessments should result in greater efficiency in administering non-ad valorem assessments.

Appropriations

The sum of $25,675,000 is appropriated for fiscal year 1988-1989 from the Solid Waste Management Trust Fund to the Department of Environmental Regulation for grants to local governments for operating recycling and related education programs as authorized by Section 16 of the bill. Of this amount, $20,000,000 shall be used for the purposes in subsection (1) of Section 16 relating to operating recycling programs; $5,000,000 shall be used for the purposes of subsection (2) of Section 16 relating to educational programs; and $675,000 shall be used for the purposes of subsection (3) of Section 16 relating to the small county assistance program.

The sum of $3,750,000 is appropriated for fiscal year 1988-1989 from the waste tire account in the Solid Waste Management Trust Fund to the Department of Environmental Regulation for grants relating to recycling waste tires authorized by Sections 53 and 60 of this bill. Of this amount, $150,000 shall be transferred to the Department of Transportation to carry out the purposes of Section 60, and $150,000 shall be transferred to the nonprofit corporation established pursuant to s. 946.504, F.S. to perform feasibility studies.

The sum of $2,500,000 is appropriated from the Petroleum Violation Escrow Account to the Solid Waste Management Trust Fund to promote public awareness and to encourage reuse.
return, and proper disposal of used oil. Of such amount, $500,000 is to carry out the provisions of s. 403.753, F.S.; $1,000,000 is to carry out the provisions of s. 403.7601, F.S.; and $1,000,000 is to carry out the provisions of s. 403.7602, F.S.

The sum of $1,500,000 is appropriated for fiscal year 1988-1989 from the Solid Waste Management Trust Fund to the Department of Environmental Regulation for grants to local governments which operated recycling programs prior to passage of this bill.

The sum of $15,000,000 is appropriated from the Petroleum Violation Escrow Account to the Solid Waste Management Trust Fund to provide initial funding for programs and activities authorized by this bill.

The sum of $500,000 is appropriated for fiscal year 1988-1989 from the Solid Waste Management Trust Fund to the Board of Regents to create a Solid and Hazardous Waste Institute. Of this amount, $100,000 shall be used in conjunction with any financial resources from business and industry made available for research and testing of the process for manufacturing degradable polystyrene foam products used in conjunction with food for human consumption.

The sum of $300,000 is appropriated from the Advanced Technology Fund to be used by the Florida High Technology and Industry Council in consultation with the Department of Environmental Regulation to undertake programs authorized by section 66 of this bill.

The sum of $1,500,000 is appropriated for fiscal year 1988-1989 from the Solid Waste Management Trust Fund to the Department of Environmental Regulation for the establishment of 15 positions to carry out the agency's responsibilities pursuant to this bill.

The sum of $100,000 is appropriated for fiscal year 1988-1989 from the Solid Waste Management Trust Fund to the Department of Agriculture and Consumer Services to conduct a demonstration project on composting yard trash from a typical municipal waste stream.

The sum of $200,000 is appropriated for fiscal year 1988-1989 from the Solid Waste Management Trust Fund to the Department of Environmental Regulation for a demonstration project on alternative ways for disposing of seafood processing by-products as authorized by section 22 of this bill.

The sum of $225,000 is reserved within the Professional Regulation Trust Fund to be used for research to determine ways to use ground rubber from used tires in roofing materials and other building construction products and to determine ways to demonstrate the use of recycled commingled plastic products in building construction applications.

The sum of $215,000 is appropriated from the Innovation Research Trust Fund to be used for special programs authorized by the bill and to demonstrate applications and products from secondary recyclable materials markets.

Many municipalities, all counties, and all state agencies are affected by the provisions in this bill.

III. COMMENTS:

Similar bills are HB 1141, CS/CS HB 1487, and SB 942.

IV. AMENDMENTS:

None.
I. SUMMARY:

A. PRESENT SITUATION:

There are numerous state laws governing the creation, operation and regulation of local general-purpose governments that do not apply to special districts. Methods of creation, operation, and maintenance are sprinkled throughout the statutes, with the most common method being creation by special act. Therefore, each of the approximately 700 independent special districts in the state is uniquely different, resulting in a lack of accountability to the citizens within the districts.

B. EFFECT OF PROPOSED CHANGES:

This legislation creates "The Uniform Special District Accountability Act of 1988." The bill substantially amends Chapter 189 to provide uniform provisions for special district definitions, creation, elections, comprehensive planning, reporting, non-ad valorem assessment collection, bond issuance, expansion of district boundaries, merger, and dissolution procedures.

In addition, the bill establishes the model elements for any general law which creates a new type of special district, and the model elements which must be addressed in a special district charter.

Finally, chapters and statutes regulating types of special districts which the legislature clearly intended to create as independent special districts will be physically moved, unchanged, from their present location in the statutes to be housed, as parts, within Chapter 189.
C. SECTION-BY-SECTION ANALYSIS:

Section 1. s. 189.401 - Short title: "Uniform Special District Accountability Act of 1988."

Section 2. s. 189.402 - Statement of legislative purpose and intent.

Section 3. s. 189.4025 - States that this chapter provides the standards and exclusive procedures for forming or dissolving special districts; provides an exclusion for Dade County; and provides language preempting any general or special law in conflict with this chapter, effective July 1, 1988.

Section 4. s. 189.403 - Defines "special district," "dependent special district," "independent special district," and "local governing authority."

Section 5. s. 189.4035 - Provides procedure for determination of status.

Section 6. s. 189.404 - Formation procedures for dependent and independent districts; model general law requirements for creation of any new type of special district; model special district charter elements.

Section 7. s. 189.4041 - Provides procedure for merger of two or more districts.

Section 8. s. 189.4042 - Provides procedure for dissolution of districts.

Section 9. s. 189.4043 - Provides special dissolution procedure through Office of Secretary of State.

Section 10. s. 189.4044 - Provides financial allocations procedure where there is merger or dissolution of districts.

Section 11. s. 189.405 - Requires all dependent district elections to be held by supervisor of elections; independent districts may use alternate method for elections, but must follow Florida Election Code; multicounty districts must conform to Florida Election Code, but qualifying must be coordinated by the supervisors of elections for each county within the district; method for converting from one-acre/one-vote to one-person/one-vote; provides exemption from conversion method for single-purpose water control districts created pursuant to chapter 298 and for community development districts created pursuant to chapter 190.

Section 12. s. 189.4065 - Requires special districts to provide for the collection of non-ad valorem assessments in accordance with chapter 197 and chapter 170.
Section 13. s. 189.408 - Provides that special district bond referenda shall be conducted according to ss. 100.211 and 100.221; provides an exemption for community development districts created pursuant to chapter 190.

Section 14. s. 189.4085 - Provides procedure for ensuring credit quality of bonds when no referendum is required; provides an exemption for community development districts created pursuant to chapter 190.

Section 15. s. 189.409 - Requires a special district to notify the Governor and the Legislative Auditing Committee of an impending financial emergency as provided in s. 218.503.

Section 16. s. 189.411 - Provides that the Auditor General must send annually a list of independent special districts in compliance and not in compliance with s. 11.45 to the Office of Special District Information (OSDI); and provides that it is the responsibility of DCA to "improve enforcement of special district reporting requirements and the communication between state agencies that receive mandatory reports from special districts."

Section 17. s. 189.412 - Creates the Office of Special District Information (OSDI) as a part of DCA, and provides duties of same.

Section 18. s. 189.413 - Lists the duties incumbent upon any state agencies administering funding programs in which special districts take part.

Section 19 s. 189.414 - Requires Division of Ad Valorem Tax to send a report of compliance with certification requirements to the OSDI.

Section 20. s. 189.4145 - Provides the procedures by which any special district may annex contiguous territory; provides an exemption for community development districts created pursuant to chapter 160.

Section 21. s. 189.415 - Requires independent special districts to annually file a "Special District Public Facilities Report"; and provides required contents of same.

Section 22. s. 189.416 - Renumbers s. 189.004.

Section 23. s. 189.417 - Renumbers s. 189.005; provides specifications for public notice of meetings other than regular district meetings.

Section 24. s. 189.418 - Renumbers s. 189.006; requires districts to file list of district functions, a geographic depiction of district, and description of district services.

Section 25. s. 189.419 - Renumbers s. 189.007.

Section 26. s. 189.421 - Renumbers s. 189.008.
Section 27. s. 189.422 - Renumbers s. 189.009.

Section 28. s. 189.423 - Renumbers s. 189.30; provides an exemption for community development districts created pursuant to chapter 190.

Section 29. s. 189.425 - Transfers s. 125.901 (relating to juvenile welfare boards) to Chapter 189.

Section 30. s. 189.426 - Transfers s. 154.331 (relating to indigent health care districts) to Chapter 189.

Section 31. Transfers Chapter 190 (relating to community development districts) to Chapter 189.

Section 32. Transfers Chapter 298 (relating to water control districts) to Chapter 189.

Section 33. Transfers Chapter 374 (relating to canal authorities, navigation districts, and waterways developments) to Chapter 189.

Non-Ad Valoreem Assessment Collection

Section 34. s. 197.102 - Appropriate amendments to s. 197.102. for accommodation of non-ad valorem assessment certificate procedures in the definition of "tax certificate" and "tax notice"; specifies that the bill that combines the ad valorem taxes and the non-ad valorem assessments is pursuant to the uniform method, as opposed to other methods allowed in this chapter; defines "ad valorem tax roll" and "non-ad valorem assessment rolls"; clarifies that the tax roll and assessment roll will not be synonymous after January 1, 1989.

Section 35. s. 197.322 - Amended to require the combined non-ad valorem assessment and notice of ad valorem taxes to conform to s. 197.3635.

Section 36. s. 197.363 - Amended to provide property appraisers the option of continuing to place non-ad valorem assessments on the ad valorem roll, if they have done so in the past; amended to allow other methods of collection providing that they do not require all the services of the property appraisers and tax collectors specified by the uniform method.


Requires local entities utilizing the uniform method of non-ad valorem assessment to comply with certain procedures:

each local government levying non-ad valorem assessments must have a written agreement with the property appraiser and tax collector providing for reimbursement of administrative costs;
the local entity must submit to the property appraiser by January 10 a copy of the ordinance authorizing the non-ad valorem assessment and a legal description of the boundaries of the area subject to the assessment. The property appraiser must furnish the NAL (name, address, legal description) in the area described to that local entity by June 1;

all existing or new taxing authorities must comply with the provisions related to the hearing for approval of the non-ad valorem assessment roll;

the non-ad valorem assessment roll must be adopted at a public hearing held by each local entity levying non-ad valorem assessments after proper noticing;

non-ad valorem assessment rolls adopted pursuant to this section must be certified to the tax collector no later than September 15 of each year;

provides that non-ad valorem assessments are subject to all collection provisions in Chapter 197, including provisions relating to discount for early payment, prepayment by installment method, penalty for delinquent payment, and issuance of tax certificates and tax deeds for nonpayment and deferred payment;

provides that the sale of a tax certificate for unpaid non-ad valorem assessments shall be in accordance with s. 197.432(4) (relating to the protection from loss of homestead property when a certificate is for less than $100).

Provides permissive exception from this method for Dade County.

Assigns responsibility for the quality and compatibility of information on the non-ad valorem assessment roll.

Section 38. s. 197.3635 - Creates requirements that specify the format and content of the combined non-ad valorem and ad valorem tax bill. The actual bill format is not included in the statute.

Section 39. s. 197.502 - Inclusion of appropriate wording for reference to non-ad valorem assessments.

Section 40. Upon adoption of this part, county property appraisers and tax collectors shall have 2 years from the effective date of this act to comply.

Miscellaneous Revisions

Section 41. s. 11.45 - Amended to require independent districts with revenues or expenditures above $25,000 and independent districts issuing bonds greater than $500,000 with an original maturity date in excess of 1 year from the time of issuance to have an annual audit conducted.

When the Auditor General conducts an audit, adverse audit findings related to failure to meet debt services payments,
failure to comply with significant bond covenants, failure to meet bond reserve requirements, and significant erosion of district's revenue producing capacity shall be reported to the Division of Bond Finance.

Section 42. s. 75.05 - Requires Department of Banking and Finance to provide the Division of Bond Finance with a copy of the served complaint in a bond validation proceeding.

Section 43. s. 215.84 - Amended to require the State Board of Administration to notify the Division of Bond Finance if the Board authorizes for a special district an interest rate in excess of the maximum prescribed in s. 215.84(3).

Section 44. Requires the Division of Bond Finance to conduct a study of a state-pooled insurance program for local government bond issues.

Section 45. s. 112.322 - Requires the Commission on Ethics to submit a list of special district local officers failing to comply with ss. 112.3144 and 112.3145, to the OSDI, by January 1 each year.

Section 46. s. 112.665 - Requires the Division of Retirement to send a list of special districts participating in and complying with provisions in s. 112.63 and the state administered retirement system provisions to OSDI, by January 1 each year.

Sections 47-55. (Housekeeping) Amends pertinent sections of chapter 165, F.S. to remove special district language.

Section 56. s. 218.32 - Requires independent special districts, cities and counties, as units of local government, to submit annual financial reports, and provides hearing for failure to report; requires the Legislative Auditing Committee to notify the Department of Revenue and the Department of Banking and Finance to withhold any funds payable to a city, county, or independent special district that is delinquent in its reporting;

requires the Legislative Auditing Committee to notify the Department of Community Affairs when an independent special district fails to submit a report;

requires a local government's annual financial report to include a list of dependent special districts within that local government's jurisdiction;

requires the Dept. of Banking and Finance to submit financial reports it receives to the Governor and Legislature by May 1 and to submit a list of those districts failing to comply with the reporting requirements in 218.32 to the OSDI.

Section 57. s. 218.37 - Requires the Division of Bond Finance to provide the OSDI with a list of those special districts not in compliance with the requirements in 218.38 before January 1 each year; the division is to use the bond validation complaint
required in s. 75.05 to verify compliance of that special
district with the requirements in s. 218.38.

Section 58. s. 218.38 - Provides hearing for failure to provide
notice of bond issuance;

requires the Joint Legislative Auditing Committee to notify the
Department of Revenue and the Department of Banking and Finance
when a special district, city, or county is delinquent in
reporting in order to withhold any funds not pledged for debt
service satisfaction; if the delinquent entity is a special
district, Legislative Auditing must also notify DCA.

Section 59. s. 121.021 - Amends the definition of special
district to refer to independent special district as defined in
189.403.

Sections 60-61. s. 190.011 and s. 190.021 - Amended to allow
community development districts to use the uniform method of
non-ad valorem assessment.

Section 62. s. 200.001 - Amended to refer to special district
definitions in s. 189.403; provides exceptions for the millage of
MSTUs and certain downtown development authorities from inclusion
in a county's operating millage.

Section 63. s. 218.31 - Amended to refer to special district
definitions in s. 189.403; provides an exemption for community
development districts created pursuant to chapter 190.

Section 64. s. 218.34 - Amended to remove "and approve" in
district budget review.

Section 65. Refers to ss. 189.405 and 189.406 in 100.011.

Section 66. s. 218.503 - Amended to authorize any unit of local
government or state agency to notify the Governor and the
Legislative Auditing Committee of a local government's impending
financial emergency.

Section 67. Provides rulemaking authority for the Department of
Community Affairs.

Section 68. (Housekeeping) - Repeals ss. 189.001, 189.002 and
189.003.

Sections 69-71. Provides for the abolishment of specified
inactive special districts.

Section 72. Provides for a schedule of fees to pay the costs
incurred by the Department for the work related to administration
of this act.

Section 73. Provides appropriation to Department of Community
Affairs for fiscal year 1988-1989 from the general revenue fund.
Section 74. Effective date of the bill: October 1, 1988.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   The Department of Community Affairs DCA estimates that start up cost will be $266,734.

2. Recurring or Annualized Continuation Effects:
   The Department of Community Affairs estimates that recurring costs will be $191,693.

3. Long Run Effects Other Than Normal Growth:

4. Appropriations Consequences:
   The Department of Community Affairs estimates that an appropriation of $266,734 and five positions will be required to fund the administration of the OSDI.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   It is estimated that the impact on special-purpose governments will be from $304 to $214 per year. The actual amount will be determined based upon the amount charged per district.

2. Recurring or Annualized Continuation Effects:
   See above.

3. Long Run Effects Other Than Normal Growth:
C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

2. Direct Private Sector Benefits:

3. Effects on Competition, Private Enterprise, and Employment Markets:

D. FISCAL COMMENTS:

The Committee is in receipt of a fee structure proposal submitted by the Department of Community Affairs, which is based on the duties imposed upon the Office of Special District Information, which will be housed within the department. It is contemplated that the department will borrow the sum of $266,734 from the general revenue fund for the first year costs and repay said sum through use of the fee structure proposed.

III. LONG RANGE CONSEQUENCES:

IV. COMMENTS:

There are approximately 700 independent special districts and approximately 200 dependent special taxing districts in this state. Methods of creation are found throughout the statutes; however, the most common method is creation by special act.

Special districts generate a considerable amount of revenue and issue substantial amounts in bonds. The Division of Bond Finance reports that the total amount in bonds issued by special districts from 1979 to January 1986, is $19 billion, more than half the total amount in bonds issued by all local governments within the state.

Uniformity in the creation and operation of special districts is of vital importance to the state, as is the accountability of the districts for the revenue they receive. Chapter 189, as amended by this legislation, provides statutory guidelines and uniformity for special district powers and duties in much the same manner as chapters 125 and 166 provide for counties and municipalities, respectively.

It should be noted that this bill is, in large part, a product of the extensive study, report, and recommended legislation of the Florida Advisory Council on Intergovernmental Relations concerning the lack of accountability in special districts. Also included are recommendations, suggestions, comments, and input from many sources.
such as the Auditor General, the Department of Community Affairs, the
Division of Bond Finance, the Department of Natural Resources, the
Division of Ad Valorem Tax, the Joint Legislative Auditing Committee,
the Division of Securities and Investor Protection, the Association
of Special Districts, the Florida Property Appraiser's Association,
the Tax Collectors of Florida, Incorporated, the Association of
Counties, the Palm Beach Special District Study Task Force, and
several individual counties, special districts, and various members
of the House.

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by:

Cynthia D. Morani, Staff Attorney                   Staff Director:

M. J. Pond, Legislative Intern                   Mario L. Taylor

FINANCE & TAXATION:
Prepared by:

Sarah Bleakley                     Staff Director:

APPROPRIATIONS:
Prepared by:

Staff Director:
I. SUMMARY:

A. Present Situation:

General Statement

There are numerous state laws governing the creation, operation and regulation of local general-purpose governments that do not apply to special districts. Methods of creation, operation, and maintenance appear throughout the statutes. A common method of creating special districts has been by special act. Because of the lack of uniformity in how special districts are created and how they operate, the accountability of special districts to the state is of concern.

Chief among these reasons is that special districts generate considerable revenue and issue substantial bonds. The Advisory Council on Intergovernmental Relations (ACIR) notes that the 1985 revenue and expenditure figures for independent special taxing districts, reported to the comptroller, indicate that at least 1/3 of the local infrastructure in the state is provided by districts. Special districts also have $8.1 billion of the $17.9 billion in local debt in 1985, nearly 1/2 of all local outstanding debt. In addition, some special districts also receive state and federal grant funds and a few receive state shared revenue funds.

Throughout the state, more than 600 independent special districts have been created through various statutory methods. Each has different degrees of citizen participation in the creation, dissolution, and selection of members of the governing body, and thus differing degrees of accountability to the public. For example, on February 27, 1987, the Auditor General reported that records of the East County Water Control District was inadequate in that the district cannot clearly document that $27 million in taxes and $9 million in bond proceeds was used solely in accordance with the various purposes authorized by law. Due to poor recordkeeping, there is uncertainty as to the total acreage to be used in determining a quorum for elections for the Board of Supervisors, making it impossible to determine whether some supervisors were properly elected. Another example is the Palms of Terra Ceia Community Development District. In a February 27, 1987 report, prepared by the Joint Legislative Auditing Committee, staff noted that Palms of Terra Ceia, formed in 1982 pursuant to chapter 190, F.S., was originally funded with a $11,500,000 bond issue. The funds were to be used to complete all planned improvements for the stated project. However, the district is apparently unable to complete the planned infrastructure described in the bond issue. The Joint Legislative Auditing Committee has documented other examples of inconsistent administrative practices by special districts. Because there are so many districts functioning at so many different revenue levels, accountability
is imperative to protect the shaping of the future infrastructure of the state.

Topical Sectional Analysis

Communication and Coordination Between State Agencies
(Sections 1-3, 9-10, 18-19, 21-22, 33-34, 36-37, and 39-42)

While there is some effort to coordinate special district information at the state level, confusion about special districts abounds among officials in state agencies and general purpose local governments. The exchange of information on a consistent basis is limited. In addition, there is no official list of special districts that is used by all state agencies in verifying compliance with current reporting requirements or for other purposes. Special districts are required to submit information to the Department of Community Affairs in accordance with s. 189.005, F.S., but it is not a statutory requirement that this information be submitted to another state agency. It is a statutory requirement that the Department of Banking and Finance include in their annual report to the Legislature and the Governor information contained in reports submitted to two other agencies: Division of Bond Finance in the Department of General Services and the Division of Retirement in the Department of Administration. If units of local government (including special districts) are not in compliance with certain reporting requirements, such as the local government audit report and the annual financial report, the failure to comply must be reported annually to the Legislative Auditing Committee. The committee has the authority to withhold revenue sharing for those local governments not in compliance or initiate Chapter 120, F.S., hearings for special districts not in compliance. This authority has never resulted in an adverse impact on a local government. Presently, there are few provisions in the Florida Statutes that provide for adequate enforcement of special district reporting requirements.

Special District Elections (Sections 4-8 and 38)

Currently, special district elections are conducted generally in accordance with the requirements specified in a special district's charter. Some special districts rely on the services of supervisors of elections and others conduct their elections without the assistance of the supervisors of elections. A few types of special districts conduct elections on the basis of a one-acre/one-vote principle. Examples include water control districts and community development districts. Because of the variation in how special districts conduct their elections, supervisors of elections have a difficult time conducting elections for certain special districts. Concerns related to the accountability of the districts in the conduct of their elections have been raised when supervisors of elections have not conducted the elections.

Special District Definitions (Sections 11, 13, 15-17, 32, and 35)

Definitions for special district, dependent special district, and independent special district, appear in two major sections, ss. 200.001 and 218.31, F.S. The definitions are similar but not identical. The definition of "special district" in s. 200.001, F.S., does not exclude explicitly community college districts, but they are excluded in s. 218.31, F.S. Municipal service taxing or benefit units are included in the definition of special district in s. 200.001 while districts performing urban service functions are included in the definition in s. 218.31, F.S.

The definitions of dependent and independent special district in the two major statutory sections are very similar, but
ambiguous. Based on the current definitions, it appears that a special district that has a governing board that is the same as that of a general purpose local government is dependent. If the budget of a special district is approved by a general purpose local government, it is dependent.

Special District Creation (Sections 12 and 14)

Special districts are created in a number of different ways. Independent special districts have been created by special act, by ordinance of a county, and by rule of the Governor and Cabinet. Since 1982, a constitutional prohibition in s. 165.022(2), F.S. has limited the number of independent special districts that have been created by the Legislature. However, a variety of interpretations of current general law regarding the creation of special districts still prevail making it difficult to determine what is authorized.

Planning Coordination (Section 20)

With the exception of the Reedy Creek Improvement District and deepwater ports listed in s. 403.021(7), F.S., special districts are not required to prepare and adopt local government comprehensive plans pursuant to the provisions in chapter 163, part II, F.S. While it is generally assumed that a district's operation must be in compliance or not in conflict with an adopted local government comprehensive plan, special districts are not required explicitly to submit information that is intended to facilitate preparation of a local government comprehensive plan, particularly preparation of the capital improvements element.

Non-Ad Valorem Assessment Collection (Sections 23-31)

In the past several years, special districts along with counties have been the biggest users of special assessments in this state. Section 197.363, F.S., and the provisions in Chapter 170, F.S., are the general statutes governing the imposition, collection, and enforcement of special assessments and service charges. While some special districts rely on the provisions in Chapter 170, F.S., for the imposition and collection of special assessments (these provisions do not involve the use of property appraiser or tax collector), Chapter 170, F.S., is primarily geared for use by municipalities. Therefore, if a special district is not authorized to use the provisions in Chapter 170, F.S., it must use the procedure specified in s. 197.363, F.S.

In fact, most special districts prefer the use of s. 197.363, F.S., because of its enforcement provisions. However, the availability of the procedure in s. 197.363, F.S., has varied within and across counties, because of the property appraiser's discretion in applying it. Varying interpretations of this section have also created some difficulties in its implementation for many local governments imposing special assessments.

Study of State-Pooled Insurance Programs for Local Government Bond Issues (Section 43)

Currently, special districts issue more bonds than municipalities and counties, combined.

B. Effect of Proposed Changes:

General Statement

The provisions in this legislation reflect recommendations developed and approved by the Advisory Council on Intergovernmental Relations (ACIR) in conjunction with a study of special district accountability in Florida. The entire
legislative package was prepared with the benefit of advice offered by officials in several state agencies, those familiar with special districts and working with special districts, and officials in local general-purpose governments. The legislation impacts all levels of government and will enhance the accountability of special districts to the citizenry. Overall, the legislation does the following:

1) clarifies the existing language in the statutes regarding the creation of special districts;

2) presents specific criteria and a procedure for the determination of the status (independent or dependent) of a special district;

3) introduces general provisions for the conduct of special district elections, including a model conversion method for moving from a one-acre/one-vote principle to a one-person/one-vote principle;

4) introduces a uniform method for collecting non-ad valorem assessments which requires appropriate noticing for a public hearing that will approve a non-ad valorem assessment roll, a format for the tax bill that delineates clearly ad valorem taxes from non-ad valorem assessments, and an enforcement procedure for delinquent non-ad valorem assessments;

5) creates an office of special district information to perform a number of duties related to the coordination of special district information at the state level, determination of independent or dependent status of special districts, and publication of a special district handbook; and

6) introduces requirements related to local government comprehensive planning and the submission of special district information in the form of a public facilities report for the purpose of preparing those plans.

Topical Sectional Analysis

Communication and Coordination Between State Agencies
(Sections 1-3, 9-10, 18-19, 21-22, 33-34, 36-37, and 39-42)

Section 19 of this legislation is key in reducing most of the confusion and problems resulting from a lack of information about special districts. It creates the Office of Special District Information (OSDI) in the Department of Community Affairs. This office will assume responsibilities currently required in the statutes, act as a state clearinghouse for special district information, prepare a master list of special districts that will indicate the independent or dependent status of each special district, prepare a handbook on special districts, and organize a biennial conference for the purpose of training special district officials in a variety of matters, including reporting to the state on the issuance of bonds. The Department of Community Affairs is granted authority to promulgate rules for the purpose of implementing the reporting provisions in Chapter 189, F.S. Several sections require state agencies currently receiving reports or information from special districts to report the compliance and noncompliance of special districts with these reporting requirements to the OSDI. Another section, related to the exchange of information, preserves an existing reporting requirement, but changes the state agency to whom the report is to be received. For example, a copy of a bond validation complaint will be served on the Division of Bond Finance instead of the Department of Banking and Finance. Section 39 requires state agencies administering state funding programs for which special districts are eligible to submit a list of special districts participating in the program, if any, to the newly created OSDI. Section 42 amends the Local Government Financial
Emergency Act to allow any unit of local government or state agency to report a local government financial emergency to the Governor or Legislative Auditing Committee.

Sections 1, 36, and 41 amend statutory sections that specify a procedure for enforcing the bond issuance, annual financial report and local government audit report requirements. The amendments require the Legislative Auditing Committee to schedule a hearing for the purpose of reviewing and hearing testimony on the lists of local governments not in compliance that are submitted by the three state agencies receiving each type of report. If the committee determines that further state action is necessary, the committee must proceed as are currently authorized.

Special District Elections (Sections 4-8 and 38)

The main section addressing the conduct of special district elections (Section 5) emphasizes the need for uniformity and compliance with the Florida Elections Code for dependent special districts, independent special districts that opt to have the supervisor of elections conduct their elections, and multi-county elections. Section 7 contains model provisions for a gradual conversion from a one-acre/one-vote principle to a one-person/one-vote principle. Section 8 requires special districts with all governing board members appointed by the Governor to have instead a majority of the board members elected if the district has the authority to levy ad valorem taxes. In the same section, if a special district does not have ad valorem authority but does have all of its board members appointed by the Governor, the board must have instead a majority of the board members appointed by the county or if the district is totally within a municipality, by that municipality. Another section relevant to this category requires a public hearing for the purpose of approving the budget of a special district.

Special District Definitions (Sections 11, 13, 15-17, 32, and 35)

The new definitions of special district, independent special district, and dependent special district are more specific and introduce two additional criteria for dependent special districts. The new criteria refer to the appointment of all members of a special district governing board by a single municipality or a single county and the authority of a single general-purpose local government to remove, during their unexpired terms, all members of a special district board. The anticipated effect of this change is clarifying that conduit financing authorities (health facility authorities, housing financing authorities, and industrial development authorities) are dependent special districts.

Special District Creation (Sections 12 and 14)

The new provisions that refer to the creation of dependent and independent special districts specify more clearly what is authorized. Adopting a new policy position, the provisions state that only municipalities and counties may create dependent special districts. Independent special districts may be created by counties and municipalities, but only pursuant to what is authorized in general law. Examples of what is clearly authorized in general law are specified. The authority of the Governor and Cabinet with respect to the creation of certain types of special districts and the Legislature is also addressed. An important addition in the new provisions is a list of items that should be addressed in a general law authorizing the creation of a new type of special district. This set of provisions should be useful in developing new laws that allow for the creation of new types of districts and in
the development of special acts that serve as the charter for new districts.

**Planning Coordination (Section 20)**

The provisions that specify the responsibility of special districts in the local government comprehensive planning process are contained in this section. These provisions do not conflict with those in chapter 163, part II, F.S., but they do extend the requirements for special districts and clarify the relationship between a special district's activities and a local government comprehensive plan. The intent, as stated in this section, is to "foster" the coordination between special districts and general-purpose local governments as the general-purpose local governments develop their plans pursuant to chapter 163, part II, F.S.

Effective March 1, 1990, each special district building, proposing to build, expanding, or improving public facilities shall have a facilities or development plan that covers 5 years. This plan must be submitted to the local government(s) within which a district is located upon its initial completion and after subsequent revisions or amendments. Certain special district plans related to water control that comply with the requirements for a facilities or development plan are considered adequate for the fulfillment of the facilities or development plan provisions. In addition, the Department of Community Affairs is granted the authority to exempt certain districts from requirements in this section, if the exemption does not violate provisions in chapter 163, part II, F.S.

**Non-Ad Valorem Assessment Collection (Sections 23-31)**

The new provisions for the imposition, collection, and enforcement of non-ad valorem assessments extend and modify what is currently required in s. 197.363, F.S. For example, current noticing and public hearing requirements are preserved but strengthened. In addition, the enforcement of payment of non-ad valorem assessments is maintained as a tax certificate procedure identical to what is used for nonpayment of ad valorem taxes. However, several major changes are introduced. The first and probably most notable change is the reference in the new provisions to "non-ad valorem assessments" instead of just "special assessments". By using the definition of "non-ad valorem assessment", the local government, instead of the property appraiser, makes the determination of whether an assessment is indeed a non-ad valorem assessment for the purposes of the new method of collection and enforcement.

Second, non-ad valorem assessments are placed on a roll that is separate from the ad valorem roll, thereby alleviating a number of technical problems associated with the placement of special assessments on the ad valorem roll and reducing the workload of the property appraiser. Third, the local government imposing a non-ad valorem assessment is responsible for preparing the roll after receiving available data from the property appraiser. After preparing the roll, the local government must certify the roll to the tax collector which resolves ambiguities with respect to how and who is responsible for preparation of the roll. The fourth major change introduced in this legislation is a new format for the tax bill or notice. The new format requires ad valorem and non-ad valorem assessments to be clearly distinguished on the bill. It also requires that each local government levying ad valorem taxes and each local government imposing non-ad valorem assessments to be listed separately. The revision in the format of the tax bill is intended to make it easier for the taxpayer to identify the local governments that are levying ad valorem millage and at what rates and the local governments that are imposing which non-ad valorem assessments and on what basis.
Study of State-Pooled Insurance Programs for Local Government Bond Issues (Section 43)

The Division of Bond Finance is required to conduct a study of a state-pooled insurance program for local government bond issues, in order to determine a more efficient and accountable means of issuing bonds.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

State Agencies: In order to improve coordination and communication between state agencies, several state agencies receiving reports from special districts will be required to submit a list of special districts to the OSDI. The fiscal impact will be negligible.

The Department of Community Affairs will have a substantial increase in workload. As estimated by the department, the necessary funding for the first year after the effective date of this act is $273,369; $81,676 is non-recurring and $191,693 is recurring. As proposed in the legislation, the funding sources for the establishment and operation of the office of special district information will be combination of fees paid by special districts and general revenue.

Special Districts: Additional costs will be incurred as a result of this legislation. The major cost will be associated with the preparation of a public facilities report with the preparation of a public facilities report which must be submitted to each general purpose local government in which a district is located. Another cost will be the fee required when registering annually with the Department of Community Affairs.

Other Local Government: If any fiscal impact, it will be negligible.

* The above information is supplied by the Florida Advisory Council on Intergovernmental Relations.

III. COMMENTS:

A similar House bill, PCB CA 88-2, has passed the House Community Affairs Committee.

IV. AMENDMENTS:

None.
I. SUMMARY:

A. Present Situation:

General Statement

There are numerous state laws governing the creation, operation, and regulation of local general-purpose governments that do not apply to special districts. Methods of creation, operation, and maintenance appear throughout the statutes. A common method of creating special districts has been by special act. Because of the lack of uniformity in how special districts are created and how they operate, the accountability of special districts to the state is of concern.

Chief among these reasons is that special districts generate considerable revenue and issue substantial amounts in bonds. The Advisory Council on Intergovernmental Relations (ACIR) notes that the 1985 revenue and expenditure figures for independent special taxing districts, reported to the comptroller, indicate that at least 1/3 of the local infrastructure in the state is provided by districts. Special districts also have $8.1 billion of the $17.9 billion in local debt in 1985, nearly 1/2 of all local outstanding debt. In addition, some special districts also receive state and federal grant funds and a few receive state shared revenue funds.

Throughout the state, more than 600 independent special districts have been created through various statutory methods. Each has different degrees of citizen participation in the creation, dissolution, and selection of members of the governing body, and thus differing degrees of accountability to the public. For example, on February 27, 1987, the Auditor General reported that records of the East County Water Control District were inadequate in that the district cannot clearly document that $27 million in taxes and $9 million in bond proceeds was used solely in accordance with the various purposes authorized by law. Due to poor recordkeeping, there is uncertainty as to the total acreage to be used in determining a quorum for elections for the Board of Supervisors, making it impossible to determine whether some supervisors were properly elected. Another example is the Palms of Terra Ceia Community Development District. In a February 27, 1987 report, prepared by the Joint Legislative Auditing Committee, staff noted that Palms of Terra Ceia, formed in 1982 pursuant to chapter 190, F.S., was originally funded with a $11,500,000 bond issue. The funds were to be used to complete all planned improvements for the stated project. However, the district is apparently unable to complete the planned infrastructure described in the bond issue. The Joint Legislative Auditing Committee has documented other examples of inconsistent administrative practices by special districts. Because there are so many districts functioning at so many different revenue levels, accountability

...
is imperative to protect the shaping of the future infrastructure of the state.

Topical Sectional Analysis

Communication and Coordination Between State Agencies
(Sections 1-3, 8-9, 15, 17-20, 22, 33-34, and 36-41)

While there is some effort to coordinate special district information at the state level, confusion about special districts abounds among officials in state agencies and general purpose local governments. The exchange of information on a consistent basis is limited. In addition, there is no official list of special districts that is used by all state agencies in verifying compliance with current reporting requirements or for other purposes. Special districts are required to submit information to the Department of Community Affairs in accordance with s. 189.005, F.S., but it is not a statutory requirement that this information be submitted to another state agency. It is a statutory requirement that the Department of Banking and Finance include in their annual report to the Legislature and the Governor information contained in reports submitted to two other agencies: Division of Bond Finance in the Department of General Services and the Division of Retirement in the Department of Administration. If units of local government (including special districts) are not in compliance with certain reporting requirements, such as the local government audit report and the annual financial report, the failure to comply must be reported annually to the Legislative Auditing Committee. The committee has the authority to withhold revenue sharing for those local governments not in compliance or initiate Chapter 120, F.S., hearings for special districts not in compliance. This authority has never resulted in an adverse impact on a local government. Presently, there are few provisions in the Florida Statutes that provide for adequate enforcement of special district reporting requirements.

Special District Elections (Sections 4-7)

Currently, special district elections are conducted generally in accordance with the requirements specified in a special district's charter. Some special districts rely on the services of supervisors of elections and others conduct their elections without the assistance of the supervisors of elections. A few types of special districts conduct elections on the basis of a one-acre/one-vote principle. Examples include water control districts and community development districts. Because of the variation in how special districts conduct their elections, supervisors of elections have a difficult time conducting elections for certain special districts. Concerns related to the accountability of the districts in the conduct of their elections have been raised when supervisors of elections have not conducted the elections.

Special District Definitions (Sections 10, 12, 14, 32, and 35)

Definitions for special district, dependent special district, and independent special district, appear in two major sections, ss. 200.001 and 218.31, F.S. The definitions are similar but not identical. The definition of "special district" in s. 200.001, F.S., does not exclude explicitly community college districts, but they are excluded in s. 218.31, F.S. Municipal service taxing or benefit units are included in the definition of special district in s. 200.001 while districts performing urban service functions are included in the definition in s. 218.31, F.S.

The definitions of dependent and independent special district in the two major statutory sections are very similar, but
ambiguous. Based on the current definitions, it appears that a special district that has a governing board that is the same as that of a general purpose local government is dependent. If the budget of a special district is approved by a general purpose local government, it is dependent.

Special District Creation (Sections 11 and 13)

Special districts are created in a number of different ways. Independent special districts have been created by special act, by ordinance of a county, and by rule of the Governor and Cabinet. Since 1982, a constitutional prohibition in s. 165.022(2), F.S., has limited the number of independent special districts that have been created by the Legislature. However, a variety of interpretations of current general law regarding the creation of special districts still prevail making it difficult to determine what is authorized.

Planning Coordination (Sections 16 and 21)

With the exception of the Reedy Creek Improvement District and deepwater ports listed in s. 403.021(7), F.S., special districts are not required to prepare and adopt local government comprehensive plans pursuant to the provisions in chapter 163, part II, F.S. While it is generally assumed that a district's operation must be in compliance or not in conflict with an adopted local government comprehensive plan, special districts are not required explicitly to submit information that is intended to facilitate preparation of a local government comprehensive plan, particularly preparation of the capital improvements element.

Non-Ad Valorem Assessment Collection (Sections 23-31)

In the past several years, special districts along with counties have been the biggest users of special assessments in this state. Section 197.363, F.S., and the provisions in Chapter 170, F.S., are the general statutes governing the imposition, collection, and enforcement of special assessments and service charges. While some special districts rely on the provisions in Chapter 170, F.S., for the imposition and collection of special assessments (these provisions do not involve the use of property appraiser or tax collector), Chapter 170, F.S., is primarily geared for use by municipalities. Therefore, if a special district is not authorized to use the provisions in Chapter 170, F.S., it must use the procedure specified in s. 197.363, F.S.

In fact, most special districts prefer the use of s. 197.363, F.S., because of its enforcement provisions. However, the availability of the procedure in s. 197.363, F.S., has varied within and across counties, because of the property appraiser's discretion in applying it. Varying interpretations of this section have also created some difficulties in its implementation for many local governments imposing special assessments.

Study of State-Pooled Insurance Programs for Local Government Bond Issues (Section 42)

Currently, special districts issue more bonds than municipalities and counties, combined.

Funding (Sections 43 and 44)

Currently, there are no fees charged for registering with the Department of Community Affairs and providing the information required in chapter 189, F.S.

B. Effect of Proposed Changes:
General Statement

The provisions in this legislation reflect recommendations developed and approved by the Advisory Council on Intergovernmental Relations (ACIR) in conjunction with a study of special district accountability in Florida. The entire legislative package was prepared with the benefit of advice offered by officials in several state agencies, those familiar with special districts and working with special districts, and officials in local general-purpose governments. The legislation impacts all levels of government and will enhance the accountability of special districts to the citizenry. Overall, the legislation does the following:

1) removes a constitutional prohibition in the statutes related to the creation of special districts by the legislature and clarifies the existing language in the statutes regarding the creation of special districts;

2) presents specific criteria and a procedure for the determination of the status (independent or dependent) of a special district;

3) introduces general provisions for the conduct of special district elections, including a model conversion method for moving from a one-acre/one-vote principle to a one-person/one-vote principle;

4) introduces a uniform method for collecting non-ad valorem assessments which requires appropriate noticing for a public hearing that will approve a non-ad valorem assessment roll, a format for the tax bill that delineates clearly ad valorem taxes from non-ad valorem assessments, and an enforcement procedure for delinquent non-ad valorem assessments;

5) creates an office of special district information to perform a number of duties related to the coordination of special district information at the state level, determination of independent or dependent status of special districts, and publication of a special district handbook; and

6) introduces requirements related to local government comprehensive planning and the submission of special district information in the form of a public facilities report for the purpose of preparing those plans.

Topical Sectional Analysis

Communication and Coordination Between State Agencies
(Sections 1-3, 8-9, 15, 17-20, 22, 33-34, and 36-41)

Section 20 of this legislation is key in reducing most of the confusion and problems resulting from a lack of information about special districts. It creates the Office of Special District Information (OSDI) in the Department of Community Affairs. This office will assume responsibilities currently required in the statutes, act as a state clearinghouse for special district information, prepare a master list of special districts that will indicate the independent or dependent status of each special district, prepare a handbook on special districts, and organize a biennial conference for the purpose of training special district officials in a variety of matters, including reporting to the state on the issuance of bonds. The Department of Community Affairs is granted authority to promulgate rules for the purpose of implementing the reporting provisions in Chapter 189, F.S. Several sections require state agencies currently receiving reports or information from special districts to report the compliance and noncompliance of special districts with these reporting requirements to the OSDI. Another section, related to the exchange of information, preserves an existing reporting requirement, but changes the
state agency to whom the report is to be received. For example, a copy of a bond validation complaint will be served on the Division of Bond Finance instead of the Department of Banking and Finance. Section 38 requires state agencies administering state funding programs for which special districts are eligible to submit a list of special districts participating in the program, if any, to the newly created OSD1. Section 41 amends the Local Government Financial Emergency Act to allow any unit of local government or state agency to report a local government financial emergency to the Governor or Legislative Auditing Committee.

Sections 1, 36, and 40 amend statutory sections that specify a procedure for enforcing the bond issuance, annual financial report and local government audit report requirements. The amendments require the Legislative Auditing Committee to schedule a hearing for the purpose of reviewing and hearing testimony on the lists of local governments not in compliance that are submitted by the three state agencies receiving each type of report. If the committee determines that further state action is necessary, the committee must proceed as are currently authorized.

Special District Elections (Sections 4-7)

The main section addressing the conduct of special district elections (Section 5) emphasizes the need for uniformity and compliance with the Florida Elections Code for dependent special districts, independent special districts that opt to have the supervisor of elections conduct their elections, and multi-county district elections. Section 6 contains model provisions for a gradual conversion from a one-acre/one-vote principle to a one-person/one-vote principle. (All single purpose districts created pursuant to chapter 298, P.S., providing only drainage or water control, community development districts, and the Reedy Creek Improvement District are exempted from section 6.) Section 7 requires special districts with all governing board members appointed by the Governor to have instead a majority of the board members elected if the district has the authority to levy ad valorem taxes. In the same section, if a special district does not have ad valorem authority but does have all of its board members appointed by the Governor, the board must have instead a majority of the board members appointed by the county or if the district is totally within a municipality, by that municipality. Another section relevant to this category requires a public hearing for the purpose of approving the budget of a special district.

Special District Definitions (Sections 10, 12, 14, 32, and 35)

The new definitions of special district, independent special district, and dependent special district are more specific and introduce two additional criteria for dependent special districts. The new criteria refer to the appointment of all members of a special district governing board by a single municipality or a single county and the authority of a single general-purpose local government to remove, during their unexpired terms, all members of a special district board. The anticipated effect of this change is clarifying that conduit financing authorities (health facility authorities, housing financing authorities, and industrial development authorities) are dependent special districts.

Special District Creation (Sections 11 and 13)

The new provisions that refer to the creation of dependent and independent special districts specify more clearly what is authorized. Adopting a new policy position, the provisions state that only municipalities and counties may create dependent special districts. Independent special districts may
be created by counties and municipalities, but only pursuant to what is authorized in general law. Examples of what is clearly authorized in general law are specified. The authority of the Governor and Cabinet with respect to the creation of certain types of special districts and the Legislature is also addressed. An important addition in the new provisions is a list of items that should be addressed in a general law authorizing the creation of a new type of special district. This set of provisions should be useful in developing new laws that allow for the creation of new types of districts and in the development of special acts that serve as the charter for new districts. Another important item is the repeal of s. 165.022(2), P.S., which would remove the prohibition of creating independent special districts by special act of the legislature.

Planning Coordination (Sections 16 and 21)

The provisions that specify the responsibility of special districts in the local government comprehensive planning process are contained in these two sections. These provisions do not conflict with those in chapter 163, part II, P.S., but they do extend the requirements for special districts and clarify the relationship between a special district's activities and a local government comprehensive plan. The intent, as stated in section 21, is to "foster" the coordination between special districts and general-purpose local governments as the general-purpose local governments develop their plans pursuant to chapter 163, part II, P.S.

Effective March 1, 1990, each special district building, proposing to build, expanding, or improving public facilities shall have a public facilities report that covers 5 years. This report must be submitted to the local government(s) within which a district is located. Certain special district plans related to water control (and annual reports required by s. 380.06(15) and (18), P.S.) that comply with the requirements for the public facilities report are considered adequate for the fulfillment of the requirement. Certain districts are exempted from requirements in this section, if they prepare plans pursuant to chapter 163, part II, P.S., i.e. port authorities and the Reedy Creek Improvement District. The bill also provides clarification that all activities of special districts related to the provision of public facilities governed by part II of chapter 163, P.S., shall be consistent with the applicable adopted local government comprehensive plan.

Non-Ad Valorem Assessment Collection (Sections 23-31)

The new provisions for the imposition, collection, and enforcement of non-ad valorem assessments extend and modify what is currently required in s. 197.363, P.S. For example, current noticing and public hearing requirements are preserved but strengthened. In addition, the enforcement of payment of non-ad valorem assessments is maintained as a tax certificate procedure identical to what is used for nonpayment of ad valorem taxes. However, several major changes are introduced. The first and probably most notable change is the reference in the new provisions to "non-ad valorem assessments" instead of just "special assessments". By using the definition of "non-ad valorem assessment", the local government, instead of the property appraiser, makes the determination of whether an assessment is indeed a non-ad valorem assessment for the purposes of the new method of collection and enforcement. Second, non-ad valorem assessments are placed on a roll that is separate from the ad valorem roll, thereby alleviating a number of technical problems associated with the placement of special assessments on the ad valorem roll and reducing the workload of the property appraiser. Third, the local government imposing a
non-ad valorem assessment is responsible for preparing the roll after receiving available data from the property appraiser. After preparing the roll, the local government must certify the roll to the tax collector which resolves ambiguities with respect to how and who is responsible for preparation of the roll. The fourth major change introduced in this legislation is a new format for the tax bill or notice. The new format requires ad valorem and non-ad valorem assessments to be clearly distinguished on the bill. It also requires that each local government levying ad valorem taxes and each local government imposing non-ad valorem assessments to be listed separately. The revision in the format of the tax bill is intended to make it easier for the taxpayer to identify the local governments that are levying ad valorem millage and at what rates and the local governments that are imposing which non-ad valorem assessments and on what basis. Community development districts are granted authority to use the new non-ad valorem assessment collection method. The Department of Revenue's rulemaking authority is expanded for purposes of clarifying preparation of the non-ad valorem assessment roll and merging non-ad valorem assessment and ad valorem tax rolls.

Study of State-Pooled Insurance Programs for Local Government Bond Issues (Section 42)

The Division of Bond Finance is required to conduct a study of a state-pooled insurance program for local government bond issues, in order to determine a more efficient and accountable means of issuing bonds.

Funding (Sections 43 and 44)

Special districts are required to pay an annual fee that will not exceed $150 to the Department of Community Affairs for purposes of covering the cost of administering duties associated with the Office of Special District Information. The amount of general revenue requested for this purpose is $175,000.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

State Agencies: In order to improve coordination and communication between state agencies, several state agencies receiving reports from special districts will be required to submit a list of special districts to the OSDI. According to the Florida ACIR, the fiscal impact should be negligible.

The Department of Community Affairs will have a substantial increase in workload. As estimated by the department, the necessary funding for the first year after the effective date of this act is $273,369; $81,676 is non-recurring and $191,693 is recurring. As proposed in the legislation, the funding sources for the establishment and operation of the office of special district information will be a combination of fees paid by special districts and general revenue.

Special Districts: Additional costs will be incurred as a result of this legislation. The major cost will be associated with the preparation of a public facilities report which must be submitted to each general purpose local government in which a district is located. Another cost will be the fee required when registering annually with the Department of Community Affairs.
Other Local Government: If any fiscal impact, it should be negligible, according to the Florida ACIR.

III. COMMENTS:

A similar House bill, PCB CA 88-2, has passed the House Community Affairs Committee.

Exemptions:

Since prospective exemptions vis-a-vis amendment could circumvent existing statutory requirements if not carefully examined, it is important to point out the exemptions contained in the bill. Exemptions may be categorized in two ways: partial exemptions from the bill and blanket exemptions. Partial exemptions (brought about through negotiations between legislative staff, legislators, and interested parties) deal with particular problems and apply only to certain portions of the bill which relate to new statutory requirements. Blanket exemptions refer to all of the provisions in the legislation--new and amended--which raise fundamental policy concerns regarding the effect of such an exemptions on existing statutory requirements.

Partial Exemptions

The following discussion of partial exemptions in the bill mostly relate to elections. Community development districts (CDDs) (chapter 190, F.S.) are exempt from the general elections portion of the bill (section 5), which requires the supervisor of elections to conduct all elections for dependent district elections and requires independent district election procedures involving the supervisor of elections to be consistent with the Florida Election Code (chs. 97-106, F.S.). However, chapter 190, F.S., (s. 190.006(3)(b)) still applies and provides that a supervisor of elections shall conduct elections. In addition, section 5 of the bill as applied to CDDs provides that even if the supervisor of elections does not conduct its elections, the CDD shall report to the supervisor of elections, in a timely manner, the results of the election conducted by the district. Chapter 190 districts, the Reedy Creek Improvement District, and any single-purpose special district created by special act of pursuant to chapter 298, F.S., for the purpose of providing drainage or water control, are exempt from section 6 of the bill pertaining to the model provisions for a gradual conversion from a one-acre/one-vote principle to a one-person/one-vote principle. However, chapter 190, F.S. (s. 190.006(3)(a)2), still applies to CDDs which, in any event, requires this conversion to occur after certain time periods subsequent to the creation thereof. With the exception of those districts conducting elections on a one-acre/one-vote principle, qualification for governing board positions and the conduct of elections for multi-county districts must be consistent with Florida Election Code.

Another partial exemption relates to the planning coordination section of the bill (section 21) which allows certain districts (the Reedy Creek Improvement District and port authorities) to be exempt from the reporting requirements of that section, since they prepare plans pursuant to chapter 163, part II, F.S.

Blanket Exemptions

Blanket exemptions are more problematic relative to their impacts on existing law. Two blanket exemptions are contained in CS/SB 633 so that the provisions in CS/SB 633 do not apply to water management districts created pursuant to Chapter 373, F.S., or ports listed in s. 403.021(9)(b). In this regard, the following is noted.

The definition of water management district for the purpose of Chapter 373 in s. 373.019(2) states:
"Water management district" means any flood control, resource management, or water management district operating under the authority of this chapter.

Therefore, the water management districts created pursuant to chapter 373, F.S., include the following:

Northwest Florida Water Management District, s. 373.069
Suwannee River Water Management District, s. 373.069
St. Johns River Water Management District, s. 373.069
Southwest Florida Water Management District, s. 373.069
South Florida Water Management District, s. 373.069
Basin Boards, s. 373.0693
Regional Water Supply Authorities, s. 373.1962.

The governing boards of the first five water management districts are appointed by the Governor with representation of each basin or hydrologic unit ensured as specified in s. 373.073, F.S. Areas within each of the five major water management districts may be designated as subdistricts or basins. According to s. 373.0693, F.S., each basin board must have at least three members with "one representative from each of the counties included in the basin." The five water management districts are funded by ad valorem taxes in accordance with section 9(b), Article VII of the State Constitution. Funding for each basin may be requested and provided within the allocation guidelines specified in section 9(b), Article VII of the State Constitution and s. 373.503(3). (Although, because of the current sunset review of Chapter 373, F.S., basin board funding allocations as well as other provisions relevant to water management districts could change.)

Regional water supply authorities are created by interlocal agreement pursuant to s. 163.01, F.S., upon approval of the Governor and Cabinet. Therefore, governing board membership, bond issuance requirements, and other operating procedures, vary from one authority to another. As specified in s. 373.1962, F.S., ad valorem taxes may be levied by these authorities with approval of the electors not to exceed .5 mill.

The port authorities listed in s. 403.021(9)(b), F.S., include Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, and Pensacola ports. This chapter contains the "Florida Air and Water Pollution Control Act."

The effects of a blanket exemption from CS/SB 633 for water management districts and port authorities are as follows:

1) Water management districts and port authorities will not be identified as special districts and will not appear on the official list of special districts (prepared by the Department of Community Affairs) that will be distributed to state and local officials. In addition, these districts will not appear on the lists of special districts submitted by state agencies to the OSDI that indicate those districts that are not compliant with reporting requirements.

2) The blanket exemption from the act could result in explicit exclusion from the definition of "special district" which would lead to their exemption from current reporting requirements in ss. 11.45, 218.32, 218.37, and chapter 200, F.S., (annual financial report, bond issuance reports, local government audit report, and ad valorem taxation noticing requirements).

3) Any state agency currently distributing state funds to these entities would not be required to report this information to the OSDI. In addition, these state agencies would not be required to review periodically the use of state funds by the authorities and to evaluate the state funding program.
4) Water management districts would not be required to submit "public facilities reports" which would include water storage and transmission facilities to the general purpose local governments in which they are located for the purpose of preparing local government comprehensive plans. This exemption appears inconsistent with existing law since s. 373.1961, F.S., currently mandates that water management districts assist counties, municipalities, and regional water supply authorities in planning for the purpose of meeting water supply needs in a way that will encourage conservation and reduce the environmental effects of improper withdrawals of water. The Florida League of Cities has expressed concern over this matter.

IV. AMENDMENTS:

None.
Inten language is modified to eliminate conflict with provisions in chapter 190, F.S., to eliminate duplicative language referring to the essential components of a special district charter, and to clarify objectives of legislation.

Community development districts are exempted from all election provisions except the requirement that independent special districts conducting their own elections must report the purpose, date, authorization, and results of each election to the supervisor of elections.

All single purpose districts created pursuant to chapter 298, F.S., providing only drainage or water control are exempted from the one-acre/one vote conversion provisions. The additional requirement that the district have more than 50 percent of the areal extent of its lands classified as agricultural under s.193.461, F.S., is removed.

Definitions are effective immediately upon effective date of act and the DCA has less authority in determining the independent/special dependent status of each district. A new section allows the DCA more flexibility in preparing the official list of special districts.

A new section related to planning is inserted. Instead of preparing a facilities and development plan, independent districts shall submit to each general purpose local government in which it is located a "public facilities report." Provides clarification that all activities of special districts related to the provision of public facilities governed by part II of chapter 163, F.S., shall be consistent with the applicable adopted local government comprehensive plan.

Non-ad valorem assessment collection—All sections are technically replaced with the corresponding sections for non-ad valorem assessment collection in the house bill.

A section amending s. 187.005, F.S., is added, in order to accommodate a public meeting noticing requirement that was removed from another section of the legislation.
Two sections, ss.190.011 and 190.021, F.S., are amended in order to give community development districts the authority to use the new method for collecting non-ad valorem assessments in chapter 197, F.S.

Two sections are added to require the special district annual fees to remain below $150 and the amount in general revenue allocated for this purpose to be set at $175,000.
I. SUMMARY:

A. Present Situation:

General Statement

There are numerous state laws governing the creation, operation and regulation of local general-purpose governments that do not apply to special districts. Methods of creation, operation, and maintenance appear throughout the statutes. A common method of creating special districts has been by special act. Because of the lack of uniformity in how special districts are created and how they operate, the accountability of special districts to the state is of concern.

Chief among these reasons is that special districts generate considerable revenue and issue substantial amounts in bonds. The Advisory Council on Intergovernmental Relations (ACIR) notes that the 1985 revenue and expenditure figures for independent special taxing districts, reported to the comptroller, indicate that at least 1/3 of the local infrastructure in the state is provided by districts. Special districts also have $8.1 billion of the $17.9 billion in local debt in 1985, nearly 1/2 of all local outstanding debt. In addition, some special districts also receive state and federal grant funds and a few receive state shared revenue funds.

Throughout the state, more than 600 independent special districts have been created through various statutory methods. Each has different degrees of citizen participation in the creation, dissolution, and selection of members of the governing body, and thus differing degrees of accountability to the public. For example, on February 27, 1987, the Auditor General reported that records of the East County Water Control District was inadequate in that the district cannot clearly document that $27 million in taxes and $9 million is bond proceeds was used solely in accordance with the various purposes authorized by law. Due to poor recordkeeping, there is uncertainty as to the total acreage to be used in determining a quorum for elections for the Board of Supervisors, making it impossible to determine whether some supervisors were properly elected. Another example is the Palms of Terra Ceia Community Development District. In a February 27, 1987 report, prepared by the Joint Legislative Auditing Committee, staff noted that Palms of Terra Ceia, formed in 1982 pursuant to chapter 190, F.S., was originally funded with a $11,500,000 bond issue. The funds were to be used to complete all planned improvements for the stated project. However, the district is apparently unable to complete the planned infrastructure described in the bond issue. The Joint Legislative Auditing Committee has documented other examples of inconsistent administrative practices by special districts. Because there are so many districts
functioning at so many different revenue levels, accountability is imperative to protect the shaping of the future infrastructure of the state.

Topical Sectional Analysis

Communication and Coordination Between State Agencies
(Sections 1-3, 7-8, 14, 16-19, 21, 31-32, and 34-39)

While there is some effort to coordinate special district information at the state level, confusion about special districts abounds among officials in state agencies and general purpose local governments. The exchange of information on a consistent basis is limited. In addition, there is no official list of special districts that is used by all state agencies in verifying compliance with current reporting requirements or for other purposes. Special districts are required to submit information to the Department of Community Affairs in accordance with s. 189.005, F.S., but it is not a statutory requirement that this information be submitted to another state agency. It is a statutory requirement that the Department of Banking and Finance include in their annual report to the Legislature and the Governor information contained in reports submitted to two other agencies: Division of Bond Finance in the Department of General Services and the Division of Retirement in the Department of Administration. If units of local government (including special districts) are not in compliance with certain reporting requirements, such as the local government audit report and the annual financial report, the failure to comply must be reported annually to the Legislative Auditing Committee. The committee has the authority to withhold revenue sharing for those local governments not in compliance or initiate Chapter 120, F.S., hearings for special districts not in compliance. This authority has never resulted in an adverse impact on a local government. Presently, there are few provisions in the Florida Statutes that provide for adequate enforcement of special district reporting requirements.

Special District Elections (Sections 4-6)

Currently, special district elections are conducted generally in accordance with the requirements specified in a special district's charter. Some special districts rely on the services of supervisors of elections and others conduct their elections without the assistance of the supervisors of elections. A few types of special districts conduct elections on the basis of a one-acre/one-vote principle. Examples include water control districts and community development districts. Because of the variation in how special districts conduct their elections, supervisors of elections have a difficult time conducting elections for certain special districts. Concerns related to the accountability of the districts in the conduct of their elections have been raised when supervisors of elections have not conducted the elections.

Special District Definitions (Sections 9, 11, 13, 30, and 33)

Definitions for special district, dependent special district, and independent special district, appear in two major sections, ss. 200.001 and 218.31, F.S. The definitions are similar but not identical. The definition of "special district" in s. 200.001, F.S., does not exclude explicitly community college districts, but they are excluded in s. 218.31, F.S. Municipal service taxing or benefit units are included in the definition of special district in s. 200.001 while districts performing urban service functions are included in the definition in s. 218.31, F.S.
The definitions of dependent and independent special district in the two major statutory sections are very similar, but ambiguous. Based on the current definitions, it appears that a special district that has a governing board that is the same as that of a general purpose local government is dependent. If the budget of a special district is approved by a general purpose local government, it is dependent.

Special District Creation (Sections 10 and 12)

Special districts are created in a number of different ways. Independent special districts have been created by special act, by ordinance of a county, and by rule of the Governor and Cabinet. Since 1982, a constitutional prohibition in s. 165.022(2), F.S., has limited the number of independent special districts that have been created by the Legislature. However, a variety of interpretations of current general law regarding the creation of special districts still prevail making it difficult to determine what is authorized.

Planning Coordination (Sections 15 and 20)

With the exception of the Reedy Creek Improvement District and deepwater ports listed in s. 403.021(7), F.S., special districts are not required to prepare and adopt local government comprehensive plans pursuant to the provisions in chapter 163, part II, F.S. While it is generally assumed that a district's operation must be in compliance or not in conflict with an adopted local government comprehensive plan, special districts are not required explicitly to submit information that is intended to facilitate preparation of a local government comprehensive plan, particularly preparation of the capital improvements element.

Non-Ad Valorem Assessment Collection (Sections 22-29)

In the past several years, special districts along with counties have been the biggest users of special assessments in this state. Section 197.363, F.S., and the provisions in Chapter 170, F.S., are the general statutes governing the imposition, collection, and enforcement of special assessments and service charges. While some special districts rely on the provisions in Chapter 170, F.S., for the imposition and collection of special assessments (these provisions do not involve the use of property appraiser or tax collector), Chapter 170, F.S., is primarily geared for use by municipalities. Therefore, if a special district is not authorized to use the provisions in Chapter 170, F.S., it must use the procedure specified in s. 197.363, F.S.

In fact, most special districts prefer the use of s. 197.363, F.S., because of its enforcement provisions. However, the availability of the procedure in s. 197.363, F.S., has varied within and across counties, because of the property appraiser's discretion in applying it. Varying interpretations of this section have also created some difficulties in its implementation for many local governments imposing special assessments.

Funding (Sections 40 and 41)

Currently, there are no fees charged for registering with the Department of Community Affairs and providing the information required in chapter 189, F.S.

B. Effect of Proposed Changes:

General Statement

The provisions in this legislation reflect recommendations developed and approved by the Advisory Council on
Intergovernmental Relations (ACIR) in conjunction with a study of special district accountability in Florida. The entire legislative package was prepared with the benefit of advice offered by officials in several state agencies, those familiar with special districts and working with special districts, and officials in local general-purpose governments. The legislation impacts all levels of government and will enhance the accountability of special districts to the citizenry. Overall, the legislation does the following:

1) removes a constitutional prohibition in the statutes related to the creation of special districts by the legislature and clarifies the existing language in the statutes regarding the creation of special districts;

2) presents specific criteria and a procedure for the determination of the status (independent or dependent) of a special district;

3) introduces general provisions for the conduct of special district elections, including a model conversion method for moving from a one-acre/one-vote principle to a one-person/one-vote principle;

4) introduces a uniform method for collecting non-ad valorem assessments which requires appropriate noticing for a public hearing that will approve a non-ad valorem assessment roll, a format for the tax bill that delineates clearly ad valorem taxes from non-ad valorem assessments, and an enforcement procedure for delinquent non-ad valorem assessments;

5) creates an office of special district information to perform a number of duties related to the coordination of special district information at the state level, determination of independent or dependent status of special districts, and publication of a special district handbook; and

6) introduces requirements related to local government comprehensive planning and the submission of special district information in the form of a public facilities report for the purpose of preparing those plans.

Topical Sectional Analysis

Communication and Coordination Between State Agencies
(Sections 1-3, 7-8, 14, 16-19, 21, 31-32, and 34-39)

Section 20 of this legislation is key in reducing most of the confusion and problems resulting from a lack of information about special districts. It creates the Office of Special District Information (OSDI) in the Department of Community Affairs. This office will assume responsibilities currently required in the statutes, act as a state clearinghouse for special district information, prepare a master list of special districts that will indicate the independent or dependent status of each special district, prepare a handbook on special districts, and organize a biennial conference for the purpose of training special district officials in a variety of matters, including reporting to the state on the issuance of bonds. The Department of Community Affairs is granted authority to promulgate rules for the purpose of implementing the reporting provisions in Chapter 189, F.S. Several sections require state agencies currently receiving reports or information from special districts to report the compliance and noncompliance of special districts with these reporting requirements to the OSDI. Another section, related to the exchange of information, preserves an existing reporting requirement, but changes the state agency to whom the report is to be received. For example, a copy of a bond validation complaint will be served on the Division of Bond Finance instead of the Department of Banking and Finance. Section 36 requires state agencies administering
state funding programs for which special districts are eligible to submit a list of special districts participating in the program, if any, to the newly created OSDI. Section 39 amends the Local Government Financial Emergency Act to allow any unit of local government or state agency to report a local government financial emergency to the Governor or Legislative Auditing Committee.

Sections 1, 34, and 38 amend statutory sections that specify a procedure for enforcing the bond issuance, annual financial report and local government audit report requirements. The amendments require the Legislative Auditing Committee to schedule a hearing for the purpose of reviewing and hearing testimony on the lists of local governments not in compliance that are submitted by the three state agencies receiving each type of report. If the committee determines that further state action is necessary, the committee must proceed as are currently authorized.

Special District Elections (Sections 4-6)

The main section addressing the conduct of special district elections (Section 5) emphasizes the need for uniformity and compliance with the Florida Elections Code for dependent special districts, independent special districts that opt to have the supervisor of elections conduct their elections, and multi-county district elections. Section 6 contains model provisions for a gradual conversion from a one-acre/one-vote principle to a one-person/one-vote principle. (All single purpose districts created pursuant to chapter 298, F.S., providing only drainage or water control, community development districts, and the Reedy Creek Improvement District are exempted from section 6.)

Special District Definitions (Sections 9, 11, 13, 30, and 33)

The new definitions of special district, independent special district, and dependent special district are more specific and introduce two additional criteria for dependent special districts. The new criteria refer to the appointment of all members of a special district governing board by a single municipality or a single county and the authority of a single general-purpose local government to remove, during their unexpired terms, all members of a special district board. The anticipated effect of this change is clarifying that conduit financing authorities (health facility authorities, housing financing authorities, and industrial development authorities) are dependent special districts.

Special District Creation (Sections 10 and 12)

The new provisions that refer to the creation of dependent and independent special districts specify more clearly what is authorized. Adopting a new policy position, the provisions state that only municipalities and counties may create dependent special districts. Independent special districts may be created by counties and municipalities, but only pursuant to what is authorized in general law. Examples of what is clearly authorized in general law are specified. The authority of the Governor and Cabinet with respect to the creation of certain types of special districts and the Legislature is also addressed. An important addition in the new provisions is a list of items that should be addressed in a general law authorizing the creation of a new type of special district. This set of provisions should be useful in developing new laws that allow for the creation of new types of districts and in the development of special acts that serve as the charter for new districts. Another important item is the repeal of s. 165.022(2), F.S., which would remove the prohibition of
creating independent special districts by special act of the legislature.

Planning Coordination (Sections 15 and 20)

The provisions that specify the responsibility of special districts in the local government comprehensive planning process are contained in these two sections. These provisions do not conflict with those in chapter 163, part II, F.S., but they do extend the requirements for special districts and clarify the relationship between a special district's activities and a local government comprehensive plan. The intent, as stated in section 20, is to "foster" the coordination between special districts and general-purpose local governments as the general-purpose local governments develop their plans pursuant to chapter 163, part II, F.S.

Effective March 1, 1990, each special district building, proposing to build, expanding, or improving public facilities shall have a public facilities report that covers 5 years. This report must be submitted to the local government(s) within which a district is located. Certain special district plans related to water control (and annual reports required by s. 380.06(15) and (18), F.S.) that comply with the requirements for the public facilities report are considered adequate for the fulfillment of the requirement. Certain districts are exempted from requirements in this section, if they prepare plans pursuant to chapter 163, part II, F.S., i.e. deep water ports and the Reedy Creek Improvement District. The bill also provides clarification that all activities of special districts related to the provision of public facilities governed by part II of chapter 163, F.S., shall be consistent with the applicable adopted local government comprehensive plan.

Non-Ad Valorem Assessment Collection (Sections 22-29)

The new provisions for the imposition, collection, and enforcement of non-ad valorem assessments extend and modify what is currently required in s. 197.363, F.S. For example, current noticing and public hearing requirements are preserved but strengthened. In addition, the enforcement of payment of non-ad valorem assessments is maintained as a tax certificate procedure identical to what is used for nonpayment of ad valorem taxes. However, several major changes are introduced. The first and probably most notable change is the reference in the new provisions to "non-ad valorem assessments" instead of just "special assessments". By using the definition of "non-ad valorem assessment", the local government, instead of the property appraiser, makes the determination of whether an assessment is indeed a non-ad valorem assessment for the purposes of the new method of collection and enforcement. Second, non-ad valorem assessments are placed on a roll that is separate from the ad valorem roll, thereby alleviating a number of technical problems associated with the placement of special assessments on the ad valorem roll and reducing the workload of the property appraiser. Third, the local government imposing a non-ad valorem assessment is responsible for preparing the roll after receiving available data from the property appraiser. After preparing the roll, the local government must certify the roll to the tax collector which resolves ambiguities with respect to how and who is responsible for preparation of the roll. The fourth major change introduced in this legislation is a new format for the tax bill or notice. The new format requires ad valorem and non-ad valorem assessments to be clearly distinguished on the bill. It also requires that each local government levying ad valorem taxes and each local government imposing non-ad valorem assessments to be listed separately. The revision in the format of the tax bill is intended to make it easier for the taxpayer to identify the local governments that are levying ad valorem millage and at
what rates and the local governments that are imposing which non-ad valorem assessments and on what basis. Community development districts are granted authority to use the new non-ad valorem assessment collection method. The Department of Revenue's rulemaking authority is expanded for purposes of clarifying preparation of the non-ad valorem assessment roll and merging non-ad valorem assessment and ad valorem tax rolls.

Funding (Sections 40 and 41)

Special districts are required to pay an annual fee that will not exceed $150 to the Department of Community Affairs for purposes of covering the cost of administering duties associated with the Office of Special District Information. The amount of general revenue requested for this purpose is $175,000.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

State Agencies: In order to improve coordination and communication between state agencies, several state agencies receiving reports from special districts will be required to submit a list of special districts to the OSDo. According to the Florida ACIR, the fiscal impact should be negligible.

The Department of Community Affairs will have a substantial increase in workload. As estimated by the department, the necessary funding for the first year after the effective date of this act is $273,369; $81,676 is non-recurring and $191,693 is recurring. As proposed in the legislation, the funding sources for the establishment and operation of the office of special district information will be a combination of fees paid by special districts and general revenue.

Special Districts: Additional costs will be incurred as a result of this legislation. The major cost will be associated with the preparation of a public facilities report which must be submitted to each general purpose local government in which a district is located. Another cost will be the fee required when registering annually with the Department of Community Affairs.

Other Local Government: If any fiscal impact, it should be negligible, according to the Florida ACIR.

III. COMMENTS:

A similar House bill, PCB CA 88-2, has passed the House Community Affairs Committee.

Exemptions:

Since prospective exemptions vis-a-vis amendment could circumvent existing statutory requirements if not carefully examined, it is important to point out the exemptions contained in the bill. Exemptions may be categorized in two ways: partial exemptions from the bill and blanket exemptions. Partial exemptions (brought about through negotiations between legislative staff, legislators, and interested parties) deal with particular problems and apply only to certain portions of the bill which relate to new statutory requirements. Blanket exemptions refer to all of the provisions in the legislation--new and amended--which raise fundamental policy concerns regarding the effect of such an exemptions on existing statutory requirements.
Partial Exemptions

The following discussion of partial exemptions in the bill mostly relate to elections. Community development districts (CDDs) (chapter 190, F.S.) are exempt from the general election portion of the bill (section 5), which requires the supervisor of elections to conduct all elections for dependent district elections and requires independent district election procedures involving the supervisor of elections to be consistent with the Florida Election Code (ch. 97-106, F.S.). However, chapter 190, F.S., (s. 190.006(3)(b)) still applies and provides that a supervisor of elections shall conduct elections. In addition, section 5 of the bill as applied to CDDs provides that even if the supervisor of elections does not conduct its elections, the CDD shall report to the supervisor of elections, in a timely manner, the results of the election conducted by the district. Chapter 190 districts, the Reedy Creek Improvement District, and any single-purpose special district created by special act of pursuant to chapter 298, F.S., for the purpose of providing drainage or water control, are exempt from section 6 of the bill pertaining to the model provisions for a gradual conversion from a one-acre/one-vote principle to a one-person/one-vote principle. However, chapter 190, F.S. (s. 190.006(3)(a)2), still applies to CDDs which, in any event, requires this conversion to occur after certain time periods subsequent to the creation thereof. With the exception of those districts conducting elections on a one-acre/one-vote principle, qualification for governing board positions and the conduct of elections for multi-county districts must be consistent with Florida Election Code.

Another partial exemption relates to the planning coordination section of the bill (section 21) which allows certain districts (the Reedy Creek Improvement District and deep water ports) to be exempt from the reporting requirements of that section, since they prepare plans pursuant to chapter 163, part II, F.S.

Blanket Exemptions

Blanket exemptions are more problematic relative to their impacts on existing law. Two blanket exemptions are contained in CS/SB 633 so that the provisions in CS/SB 633 do not apply to water management districts created pursuant to Chapter 373, F.S., or ports listed in s. 403.021(9)(b). In this regard, the following is noted.

The definition of water management district for the purpose of Chapter 373 in s. 373.019(2) states:

"Water management district" means any flood control, resource management, or water management district operating under the authority of this chapter.

Therefore, the water management districts created pursuant to chapter 373, F.S., include the following:

Northwest Florida Water Management District, s. 373.069
Suwannee River Water Management District, s. 373.069
St. Johns River Water Management District, s. 373.069
Southwest Florida Water Management District, s. 373.069
South Florida Water Management District, s. 373.069
Basin Boards, s. 373.0693
Regional Water Supply Authorities, s. 373.1962.

The governing boards of the first five water management districts are appointed by the Governor with representation of each basin or hydrologic unit ensured as specified in s. 373.073, F.S. Areas within each of the five major water management districts may be designated as subdistricts or basins. According to s. 373.0693, F.S., each basin board must have at least three members with "one representative from each of the counties included in the basin." The five water management districts are funded by ad valorem taxes.
in accordance with section 9(b), Article VII of the State Constitution. Funding for each basin may be requested and provided within the allocation guidelines specified in section 9(b), Article VII of the State Constitution and s. 373.503(3). (Although, because of the current sunset review of Chapter 373, F.S., basin board funding allocations as well as other provisions relevant to water management districts could change.)

Regional water supply authorities are created by interlocal agreement pursuant to s. 163.01, F.S., upon approval of the Governor and Cabinet. Therefore, governing board membership, bond issuance requirements, and other operating procedures, vary from one authority to another. As specified in s. 373.1962, F.S., ad valorem taxes may be levied by these authorities with approval of the electors not to exceed .5 mill.

The port authorities listed in s. 403.021(9)(b), F.S., include Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, and Pensacola ports. This chapter contains the "Florida Air and Water Pollution Control Act."

The effects of a blanket exemption from CS/SB 633 for water management districts and deep water ports are as follows:

1) Water management districts and deep water ports will not be identified as special districts and will not appear on the official list of special districts (prepared by the Department of Community Affairs) that will be distributed to state and local officials. In addition, these districts will not appear on the lists of special districts submitted by state agencies to the OSDI that indicate those districts that are not compliant with reporting requirements.

2) The blanket exemption from the act could result in explicit exclusion from the definition of "special district" which would lead to their exemption from current reporting requirements in ss. 11.45, 218.32, 218.37, and chapter 200, F.S., (annual financial report, bond issuance reports, local government audit report, and ad valorem taxation noticing requirements).

3) Any state agency currently distributing state funds to these entities would not be required to report this information to the OSDI. In addition, these state agencies would not be required to review periodically the use of state funds by the authorities and to evaluate the state funding program.

4) Water management districts would not be required to submit "public facilities reports" which would include water storage and transmission facilities to the general purpose local governments in which they are located for the purpose of preparing local government comprehensive plans. This exemption appears inconsistent with existing law since s. 373.1961, F.S., currently mandates that water management districts assist counties, municipalities, and regional water supply authorities in planning for the purpose of meeting water supply needs in a way that will encourage conservation and reduce the environmental effects of improper withdrawals of water. The Florida League of Cities has expressed concern over this matter.

IV. AMENDMENTS:

None.
STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR Senate Bill 633

The committee substitute deletes the requirement that state agencies administering funding programs for which special districts are eligible oversee fund usage by the special district and distribution of funds to the special district.

The committee substitute excludes from the definition of "special district", in addition to school districts and community college districts, special improvement districts created for Miccosukee or Seminole Indians, and electric utilities which are a political subdivision of a municipality or a part of a municipality.

The committee substitute removes the requirement that the Division of Bond Finance conduct a study on establishing a state pooled issuance program for local government bond issues.

The committee substitute removes the blanket exemption from the provisions of the act for water management districts and deep water ports.

The committee substitute deletes the provision which would remove the Governor's authority to appoint independent special district governing board members.

The committee substitute changes the effective date of the provision relating to special district conversion from one-acre/one-vote to one person/one-vote from August 1, 1988 and October 1, 1988 to upon becoming a law.


In addition to other provisions specifying the format and content of the combined notice of ad valorem taxes and non-ad valorem special assessments, the committee substitute specifies the notice be set in type which is 8 points or larger.
A bill to be entitled
An act relating to

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 403.701, Florida Statutes, is amended to read:

403.701 Short title.--Sections 403.701-403.73 shall be known and may be cited as the "Florida Solid Waste Resource Recovery and Management Act."

Section 2. Section 403.702, Florida Statutes, is amended to read:

403.702 Legislative findings; public purpose.--

(1) In order to enhance the beauty and quality of our environment; conserve and recycle our natural resources; prevent the spread of disease and the creation of nuisances; protect the public health, safety, and welfare; and provide a coordinated statewide solid waste resource-recovery-and-management program, the Legislature finds that:

(a) Inefficient and improper methods of managing solid waste create hazards to public health, cause pollution of air and water resources, constitute a waste of natural resources, have an adverse effect on land values, and create public nuisances.

(b) Problems of solid waste solid-waste management have become a matter statewide in scope and necessitate state action to assist local government in improving methods and processes to promote more efficient methods of solid waste solid-waste collection and disposal.

(c) The continuing technological progress and improvements in methods of manufacture, packaging, and marketing of consumer products have resulted in an ever-mounting increase of the mass of material discarded by the purchasers of such products, thereby necessitating a statewide approach to assist which will avoid varied and uncoordinated solutions by local governments around the state with their solid waste management programs.

(d) The economic and population growth of our state and the improvements in the standard of living enjoyed by our population have required increased industrial production together with related commercial and agricultural operations to meet our needs, which have resulted in a rising tide of unwanted and discarded materials.

(e) The failure or inability to economically recover material and energy resources from solid waste results in the unnecessary waste and depletion of our natural resources, and, therefore, maximum resource recovery from solid waste and maximum recycling and reuse of such resources must be considered goals of the state.

(f) Certain solid waste, due to its quantity, concentration, or physical, chemical, biological, or infectious characteristics, is exceptionally hazardous to human health, safety, and welfare and to the environment, and exceptional attention to the transportation, disposal, storage, and treatment of such waste is necessary to protect human health, safety, and welfare and the environment.

(g) This act should be integrated with other acts and parts of this chapter such that nonhazardous waste discharges currently regulated under this chapter, water or solid waste construction, modification, or operating permits, air...
(4) The department shall prepare by March 1, 1989, and every year thereafter, a report on the status of solid waste management efforts in the state. The report shall include, at a minimum:

(a) A comprehensive analysis, to be updated in each report, of solid waste generation and disposal in the state projected for the 20-year period beginning on the effective date of this act.

(b) The total amounts of solid waste generated, recycled, and disposed of and the methods of solid waste recycling and disposal used during the calendar year prior to the year in which the report is published.

(c) An evaluation of the development and implementation of local solid waste management programs and county and municipal recycling programs.

(d) An evaluation of the success of each county or group of counties in meeting the solid waste reduction and municipal solid waste reduction goals established in each county's local solid waste management program.

(e) Recommendations concerning existing and potential programs for solid waste reduction and recycling that would be appropriate for local governments and state agencies to implement to meet the requirements of this part.

(f) An evaluation of the markets for recycled materials and the success of state, local, and private industry efforts to enhance the markets for such materials.

(g) Recommendations to the Governor and the Legislature to improve the management and recycling of solid waste in this state.

Section 9. Section 403.706, Florida Statutes, is amended to read:

403.706 Local solid waste resource-recovery-and management programs.--

(1) Each county, or two or more counties acting under an interlocal agreement pursuant to s. 163.01, shall prepare within 5 years after the department adopts the state resource recovery and management program, there shall be established, by special act of the legislature or interlocal agreement between counties, inter-municipalities, or between municipalities and counties in those areas designated under the rule adopted pursuant to s. 403.705, a local solid waste resource-recovery and management program which shall be submitted for approval to approved by the department by the time specified by the department by rule. Such rule shall be adopted by February 1, 1989, and shall include a staggered schedule for submittal such that all local solid waste management programs are submitted for approval to the department no later than 2 years after the effective date of this act. The program shall and which shall implement the provisions of the state program by adequately providing for the receiving-in-bulk storage, separation, processing, recovery, recycling, and or disposal of solid waste generated or existing within the county and within the or incorporated limits of the municipalities or in the area served thereby within the boundaries of the county. Each county shall ensure, to the maximum extent possible, that municipalities within its boundaries cooperate in the preparation and implementation of the county's local solid waste management program through interlocal agreements pursuant to s. 163.01 or other means provided by law.

CODING: Words stricken are deletions; words underlined are additions.
A bill to be entitled An act relating to

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 403.701, Florida Statutes, is amended to read:

403.701 Short title.--Sections 403.701-403.73 shall be known and may be cited as the "Florida Solid Waste Resource Recovery and Management Act."

Section 2. Section 403.702, Florida Statutes, is amended to read:

403.702 Legislative findings; public purpose.--

(a) In order to enhance the beauty and quality of our environment; conserve and recycle our natural resources; prevent the spread of disease and the creation of nuisances; protect the public health, safety, and welfare; and provide a coordinated statewide solid waste resource-recovery and management program, the Legislature finds that:

(1) Inefficient and improper methods of managing solid waste create hazards to public health, cause pollution of air and water resources, constitute a waste of natural resources, have an adverse effect on land values, and create public nuisances.

(b) Problems of solid waste solid-waste management have become a matter statewide in scope and necessitate state action to assist local government in improving methods and processes to promote more efficient methods of solid waste solid-waste collection and disposal.

(c) The continuing technological progress and improvements in methods of manufacture, packaging, and marketing of consumer products have resulted in an ever-mounting increase in the mass of material discarded by the purchasers of such products, thereby necessitating a statewide approach to assist which will avoid varied and uncoordinated solutions by local governments around the state with their solid waste management programs.

(d) The economic and population growth of our state and the improvements in the standard of living enjoyed by our population have required increased industrial production together with related commercial and agricultural operations to meet our needs, which have resulted in a rising tide of unwanted and discarded materials.

(e) The failure or inability to economically recover material and energy resources from solid waste results in the unnecessary waste and depletion of our natural resources, and, therefore, maximum resource recovery from solid waste and maximum recycling and reuse of such resources must be considered goals of the state.

(f) Certain solid waste, due to its quantity, concentration, or physical, chemical, biological, or infectious characteristics, is exceptionally hazardous to human health, safety, and welfare and to the environment, and exceptional attention to the transportation, disposal, storage, and treatment of such waste is necessary to protect human health, safety, and welfare and the environment.

(g) This act should be integrated with other acts and parts of this chapter such that nonhazardous waste discharges currently regulated under this chapter, water or solid waste construction, modification, or operating permits, air...
(4) The department shall prepare by March 1, 1989, and every year thereafter, a report on the status of solid waste management efforts in the state. The report shall include, at a minimum:

(a) A comprehensive analysis, to be updated in each report, of solid waste generation and disposal in the state projected for the 30-year period beginning on the effective date of this act;

(b) The total amounts of solid waste generated, recycled, and disposed of and the methods of solid waste recycling and disposal used during the calendar year prior to the year in which the report is published;

(c) An evaluation of the development and implementation of local solid waste management programs and county and municipal recycling programs;

(d) An evaluation of the success of each county or group of counties in meeting the solid waste reduction and municipal solid waste reduction goals established in each county's local solid waste management program;

(e) Recommendations concerning existing and potential programs for solid waste reduction and recycling that would be appropriate for local governments and state agencies to implement to meet the requirements of this part;

(f) An evaluation of the markets for recycled materials and the success of state, local, and private industry efforts to enhance the markets for such materials;

and

(g) Recommendations to the Governor and the Legislature to improve the management and recycling of solid waste in this state.

CODING: Words stricken are deletions; words underlined are additions.
MEMORANDUM

TO: Members of the House Natural Resources Committee

FROM: David Hawley, Legislative Analyst

SUBJECT: Draft Solid Waste Management Legislation

Attached you will find a draft copy of PCB NR 88-2 (solid waste management legislation) prepared by the staff of the House Natural Resources Committee. The draft bill is scheduled for subcommittee workshop on March 2 at 9:00 am in Morris Hall. A brief summary of the draft bill is provided in this memorandum for your information.

Please note that the draft bill is not complete. There are several other issues that may be addressed, including: (1) the price paid for electricity generated by waste-to-energy facilities (Representative Martin has requested the Public Service Commission to provide recommendations to the committee by March 1); (2) appropriations for first-year costs of developing recycling and solid waste management programs; and (3) appropriations and staffing positions for the Department of Environmental Regulation and other agencies affected by the draft bill.

As you may be aware, the Department of Environmental Regulation and the Senate Select Committee on Solid Waste have also been preparing legislation on solid waste management. The Select Committee has prepared and discussed several sections of proposed language for a bill. The DER legislation, which is part of the Governor's urban environment program, has not been submitted to the Natural Resources Committee for consideration. The proposed legislation was outlined, however, at a press conference held by the Governor on January 26 (a copy of the press release is enclosed). Staff has attempted to incorporate, where possible,
some of the recommended actions set forth by the Governor, including:

(1) Several new and revised definitions pertaining to solid waste;

(2) The removal of the current exemption from permitting for construction and demolition debris;

(3) Prohibiting metal "pop-tops" and nondegradable six-pack connectors;

(4) Prohibiting, after certain dates, the disposal in landfills of problem wastes such as lead-acid batteries and tires;

(5) Establishment of a hazardous waste reduction and elimination assistance program; and

(6) The assessment of a fee on the sale of durable and nondurable products in the state to fund solid waste management programs.

Other recommended actions are explained in the summary of the draft bill.

If you have any questions or need further information, please give me a call.
SUMMARY OF PCB NR88-2
DRAFT SOLID WASTE MANAGEMENT LEGISLATION
FEBRUARY 19, 1988

I. Short title; legislative intent; powers and duties of the Department of Environmental Regulation; and definitions

The bill amends s. 403.701, F.S., to rename the act the "Florida Solid Waste Management Act" rather than the "Florida Resource Recovery and Management Act."

The bill amends s. 403.702, F.S., to clarify that the legislative intent of the act is safe, proper, and environmentally sound solid waste management rather than simply resource recovery and management. Intent language is added to ensure that solid waste reduction, recycling, and public education on waste reduction and recycling are given consideration in solid waste management programs.

The bill also amends the powers and duties of the DER to place greater emphasis on solid waste reduction and recycling.

The bill amends several existing definitions relating to solid waste and resource recovery. The bill adds definitions of municipal solid waste, recyclable material, transfer station, problem wastes, clean debris, solid waste processing, sludge, white goods, free liquid waste, and pathogenic waste.

II. Disposal of ash from waste-to-energy facilities

The bill provides that by July 1, 1989, and until federal regulations (which are under review) are promulgated for the disposal of ash from waste-to-energy facilities, such ash should be disposed in monofills specifically designed for the ash or, alternately, used in making construction material, roadbeds, etc. The DER is required to develop rules for the disposal of the ash. This section was added to the bill because of the considerable amount of debate currently being generated nationwide on whether ash from waste-to-energy facilities is hazardous and whether it should be disposed of separately from regular solid waste.

III. Full cost accounting

The bill provides that within one year of the effective date of the act, local governments are to determine the actual total cost, or full cost, incurred by the local government for collection and disposal of solid waste and develop a system to inform their residents of the actual total cost. After six
years, local governments are required to ensure that the rates charged to their residents for collection and disposal reflect the actual total cost for collection and disposal. This would ensure that the citizens of a local government are aware of and are paying for the actual costs to dispose of their solid waste, and that other revenue sources are not used to subsidize the collection and disposal of solid waste. The calculation of the actual total costs would include revenues received from recycling programs and would include the savings to the local government from not having to dispose of the recycled waste.

The bill also allows counties and municipalities to charge tipping fees that vary based on the amount and characteristics of recyclable materials contained in solid waste brought to landfills or waste-to-energy facilities for disposal or processing.

The bill allows counties and municipalities to assess fees in addition to tipping fees to help pay for local solid waste management, problem waste management, and recycling programs.

IV. State solid waste management program

The bill amends existing law which requires the development of a state solid waste management program. The bill requires the DER to develop a state solid waste management program and adopt the rules necessary to implement the program. The purpose of the program is to: (1) provide for safe and orderly management of solid waste; (2) encourage the regionalization of solid waste management programs; (3) provide planning, technical, and financial assistance to local governments and state agencies for solid waste management and recycling; (4) develop public awareness of and participation in programs for solid waste reduction and recycling; and (5) develop various technical assistance programs for full cost accounting, local solid waste management, and recycling. The DER is required to prepare an annual report on the status of solid waste management in the state which is to include data and statistics on solid waste, evaluations of local solid waste management and recycling efforts, and recommendations for legislative action on solid waste management.

V. Local solid waste management program development and review

The bill amends existing law to require all counties to develop and implement local solid waste management programs. The programs are to be adopted by resolution and submitted to DER for approval within two years from the effective date of the act. Counties are encouraged to enter into interlocal agreements with other counties and municipalities to prepare local solid waste
management programs for a region. A single program can be prepared for a region by interlocal agreement.

The local solid waste management programs are to be designed to achieve sufficient reduction of solid waste (all solid waste, including yard trash and construction debris) and municipal solid waste (solid waste that ordinarily would come from residences, businesses, institutions, etc.) to meet separate reduction goals for solid waste and municipal solid waste disposed of in a county. Each county is required to achieve, at a minimum:

1. At least a 15 percent reduction of each type of waste within three years of the effective date of the act;
2. At least a 25 percent reduction of each type of waste within five years of the effective date of the act; and
3. At least a 35 percent reduction of each type of waste within seven years of the effective date of the act.

The local solid waste management programs are to contain a county recycling program for the service area of the county. The recycling programs can be in one of several forms, depending on the waste characteristics of a particular county. The recycling programs can consist of: (1) establishment of a system of separating and collecting recyclable materials, at the site of a landfill or waste-to-energy facility, before landfilling or burning; (2) establishment of a system of separation and collection sites throughout a county for recycling; (3) curbside collection of recyclable materials, which have been separated by a homeowner or business, at least once a month; or (4) establishment of an alternative system of recycling that meets the requirements of the act and that is approved by the DER. In addition to yard trash, the recycling programs must focus on at least four of the following materials: glass, aluminum, steel and bimetallic materials, newsprint, office paper, corrugated paper, and plastics. The bill allows counties to enter into written agreements or contracts with any person (including a municipality) under which that person would develop and implement the county's recycling program. Counties are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

The local solid waste management programs are to contain a public education program on recycling and waste reduction.

The local solid waste management programs are to be developed under a system of county and municipal cooperation. After adoption of the programs by the counties, the programs must be ratified by more than one-half of the municipalities in a county representing more than one-half of the population of the county. If the programs are not ratified, the counties are required to revise the programs to address the municipalities' concerns or provide written responses to the municipalities explaining why
the program was not revised. Adopted and ratified programs are sent to the DER for approval. Programs that are adopted but not ratified are sent to the DER for approval after a process of reconciling the differences between counties and municipalities.

The DER may approve or disapprove the local solid waste management programs. Implementation of approved programs is to begin upon approval. Disapproved programs are returned to the appropriate counties for revision. If the programs are not revised, they may still be implemented, but the county loses eligibility for grants from the Solid Waste Management Trust Fund.

If a county refuses to develop, adopt, and implement a local solid waste management program, the county loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from DER for any other purposes withheld.

VI. Municipal recycling programs

The bill requires municipalities of 5,000 or more people to develop, adopt, and implement recycling programs. The recycling programs are to be developed in the same manner as the recycling programs described under the local solid waste management programs that are to be prepared by the counties. Municipalities of less than 5,000 people do not have to develop and adopt recycling programs but may do so in order to obtain grants from the Solid Waste Management Trust Fund.

Recognizing that it may be duplicative for counties and municipalities to each prepare recycling programs, the bill allows for municipal recycling programs to be incorporated into the local solid waste management programs of counties. Incorporation of these programs can only be accomplished under a written agreement between a county and a municipality.

The bill allows municipalities to enter into written agreements or contracts with any person (including a county) under which that person would develop and implement the municipality's recycling program. Municipalities are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

Municipal recycling programs developed and adopted independently of county local solid waste management programs would have to be approved by DER. Programs that are disapproved by DER may be revised by the municipality. If the municipality refuses to revise its program, the program could be implemented but the municipality would lose eligibility for grants from the Solid Waste Management Trust Fund.
If a municipality refuses to develop, adopt, and implement a recycling program, the municipality loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from DER for any other purposes withheld.

VII. Procurement of products with recycled content by government agencies; review of specifications by government agencies for using materials with recycled content; recycling of materials by state agencies and the state educational system

The bill requires state agencies, agencies of political subdivisions of the state that receive state funds, or any person contracting with such agencies to give a 10 percent price preference to persons bidding on public contracts that involve the purchase of materials when such persons offer materials containing a specified amount of recycled content.

The bill requires the Department of General Services and the Department of Transportation to review their procurement and bid specifications, respectively, to: (1) ensure that there is no discrimination against using products or materials with recycled content; (2) ensure that products or materials with recycled content are used; and (3) ensure that products and materials that are used are recyclable when they are discarded or no longer useful.

The bill requires all state agencies to establish programs for recycling waste materials generated in the course of agency operations. The bill requires state agencies with responsibility for land maintenance to use composted materials when possible. The bill requires the Department of Education, working with the DER and the state university system, to develop guidelines for recycling for the state education system.

The bill requires the Department of Commerce, as part of its powers and duties, to promote the expansion of the recycling industry in Florida, analyze markets for recyclable materials, and promote the development of businesses that use recyclable materials.

VIII. Permits and prohibitions

The bill amends existing law to exempt from permitting the disposal of solid waste generated by persons from their residential property on their own property. The bill amends existing law to remove the exemption from permitting for construction and demolition debris. The bill instead exempts clean debris, as defined in the bill, from permitting for disposal. These amendments were suggested by the DER and are listed in the Governor's press release.
The bill also allows the DER to refuse to issue a permit for a solid waste management facility to an applicant who has repeatedly violated statutes, rules, orders, or permit conditions pertaining to solid waste management facilities. This amendment was suggested by the DER.

The bill prohibits the disposal in landfills of certain problem wastes after a specified date. Problem wastes prohibited, and their dates of prohibition, include: lead acid batteries (1989); used oil (1990); whole scrap tires (1992); yard trash, except in designated landfills or except where the yard trash will be used at a composting facility (1992); white goods, meaning discarded refrigerators, washing machines, and other large appliances (1992); and free liquid waste (1992). This amendment was suggested by the DER and is listed in the Governor’s press release.

IX. Solid Waste Management Trust Fund

The bill creates the Solid Waste Management Trust Fund which is to be funded from two sources: (1) a $1.50 solid waste management fee to be assessed on each ton of solid waste disposed of at a landfill or processed at a waste-to-energy facility (the fee is not assessed on process waste [ash] from a waste-to-energy facility); and (2) a product waste disposal fee to be assessed on the retail sales of tangible personal property in the state at a rate of 2-cents per $100 (the fee is not assessed on admissions, rentals, telecommunications, and utilities). A fee similar to the product waste disposal fee is listed in the Governor's press release from January 26.

The bill provides for allocation of the trust fund money for grants in the following manner:

(1) At least 40 percent to counties and municipalities to pay 50 percent of the costs to develop and implement recycling programs, including the purchase of capital equipment for recycling;

(2) At least 20 percent to counties to pay 50 percent of the costs to develop and implement local solid waste management programs, including studies, analyses, composting programs, and problem waste management programs;

(3) No more than 25 percent to local governments to pay 50 percent of the cost of closing, monitoring, and making improvements to existing landfills (priority in grants is to be given to local governments under consent orders to close their landfills);

(4) No more than 5 percent for research and development on specific issues;
(5) No more than 10 percent on public education, model program development, technical assistance, and hazardous substance and waste reduction programs;

(6) No more than 5 percent to other state agencies to perform their duties required by the act;

(7) No more than $1,000,000 per year is to be appropriated to a Division of Solid and Hazardous Waste Management to be created at the Florida Water Resources Research Center; and

(8) No more than $3,000,000 per year is to be used to provide refunds to businesses in the state that use recyclable materials in their manufacturing processes for taxes paid under the Corporate Income Tax provisions of chapter 220, F.S.

X. Hazardous substance reduction and waste reduction and elimination assistance program

The bill requires the DER to establish an assistance program to help businesses, industries, and other persons in reducing the volume and toxicity of hazardous waste produced and, where feasible, reducing the volume of hazardous substances used in Florida. Elements of the program include a clearinghouse on appropriate information and methods, information transfer, development of waste reduction curricula and training, technical assistance and onsite audits, and research and incentive programs. Parts of this provision were suggested by the DER and the program is listed in the Governor's press release.

XI. Interlocal agreements; regional solid waste management

The bill amends existing law to provide better control over the amounts of solid waste disposed of in a particular region or county; allow the use of eminent domain powers where expressly authorized by interlocal agreement; and extend sovereign immunity where expressly authorized by interlocal agreement. These amendments are based on suggestions made by a group of thirteen counties in northcentral Florida that are currently developing a regional strategy for solid waste management.
XII. Division of Solid and Hazardous Waste Management of the Florida Water Resources Research Center at the University of Florida

The bill creates a Division of Solid and Hazardous Waste Management of the Florida Water Resources Research Center at the University of Florida. The division is assigned various research and technical assistance responsibilities, including an evaluation of the packaging of materials and their effect on solid waste management and litter control.

XIII. Used oil

The bill amends several sections of existing law to improve existing programs for recycling and reuse of used oil and creates several new sections to provide for: (1) the development of used oil collection centers; (2) the development of a grants program to local governments to encourage collection, reuse, and proper disposal of used oil; (3) the development of a statewide incentives program to encourage the return of used oil to used oil collection centers; (4) the establishment of standards, requirements, and procedures for used oil transporters and recyclers; (5) the certification of used oil transporters; and (6) the permitting of used oil recycling facilities.

XVI. Mandatory deposit legislation

The bill provides modified mandatory deposit legislation. The bill requires that refund values, which go into effect on July 15, 1993, be placed on metal, plastic, and glass beverage containers. These refund values equal 5-cents for each container with a volume of 16 ounces or less and 20-cents for each container with a volume greater than 16 ounces but less than one gallon. The Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation is responsible for enforcing the refund value requirement.

Any distributor or manufacturer of a category or subcategory of beverage container may petition the Governor and Cabinet for a 4 year exemption from the refund value requirement if they can show that a particular category or subcategory of beverage container has achieved a recycling rate of at least 60 percent in at least one of the last three years prior to the petition. Provisions are made for extensions to these exemptions.

The bill provides that after January 1, 1989, no beverage containers shall be sold in Florida if they have detachable metal rings or tabs or if they are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable. These restrictions are to be jointly enforced by the Department of Agriculture and Consumer Services.
and the Department of Business Regulation as part of their normal inspection programs.

XVII. Appropriations

The bill contains only two appropriations. An appropriation of $2,500,000 is made from the Petroleum Violation Escrow Account to the DER for carrying out several programs under the used oil provisions of the bill. An appropriation of $1,200,000 is made from the General Revenue Fund to the newly created Division of Solid and Hazardous Waste Management of the Florida Water Resources Research Center. It is expected that other appropriations will be necessary for other provisions of the bill. These appropriations have not been determined at this time.

/dhs
Honoroble Sidney Martin
326 House Office Building
Tallahassee, Florida 32399-1300

Dear Sid:

Enclosed herewith is a well considered letter from the City Manager of Daytona Beach regarding certain aspects of State Waste Management legislation which is now pending in your committee. It would appear to me that the points that Howard Tipton is making have validity. It would be of help to me if your staff could give me a response to these specific points in order that I can better understand the problem and be able to discuss this with my local municipal leaders.

Thank you for your assistance.

Sincerely,

Samuel P. Bell III

cc: Mr. Bernie Murphy
Mr. Howard Tipton
Mr. Ken Parker
The Honorable Sam Bell  
State Representative  
P. O. Box 191  
Daytona Beach, Florida 32015  

Dear Representative Bell:

This letter is intended to express to you some of the serious concerns of The City of Daytona Beach about the very important State Waste Management legislation.

While we recognize, and in principle, endorse resource recovery as a means toward a cleaner environment and conservation of natural resources, we suggest a more orderly approach.

Of particular concern is the relatively short period of time allowed to implement a municipal recycling program. We feel that the proposed legislation does not allow sufficient time within which to develop and implement a viable recycling program.

The success of a mandatory recycling program depends on public awareness and acceptance. For local governments to rush into recycling before the State has developed a clearing house of prototypes, and before the State has evaluated recycling markets could mean complete failure. We suggest that mandatory municipal recycling be delayed until an extensive education and market study is in place.

We also have considerable difficulty with the proposed legislation as it will seriously erode a city's authority to operate local solid waste utilities. Should cities decide to own and operate a compost facility or a waste to energy plant, counties should not be in a position to alter or prohibit this decision. In Volusia County, Daytona Beach has by far the largest water and sewer utility and a very large refuse collection program. Volusia County will not have unincorporated refuse collection until next year and has almost no sewer utility experience. County water experience is also limited.
Another problem stemming from the proposed legislation is its affect upon existing contractual obligations of local governments with private refuse collection companies. Many cities, like The City of Daytona Beach, have multi-million dollar contracts with refuse collection companies. In our particular case, we are just into the first year of a five year firm contract with a private contractor for exclusive collection. The proposed legislation will require significant changes in present collection disposal practices; we think renegotiation will be a difficult and expensive task.

There seems to be little mention of economic benefits accruing to the City's citizens for their recycling efforts. Further, there is little mention of the economic feasibility of source separation of the various secondary materials. We feel that the development of markets for recyclables at the State level is a must before a comprehensive state-wide program can be successful. We recommend that the initial program be approached on a local voluntary basis with the State providing incentives through grants or loans.

We disagree with the provision that prohibits municipalities from entering into interlocal agreements to establish separate legal entities to undertake local solid waste activities. We believe cities should be free to form solid waste authorities like the Halifax Water Authority (Ormond, Port Orange, Holly Hill, and Daytona Beach).

The state, in our opinion, must be prepared to raise sufficient funds to assist local governments in this endeavor and provide technical assistance to cities. If mandatory recycling is to be imposed on local governments, the State must back up this mandate with sufficient funding for a city to develop and implement a recycling program.
Because of the difficulties we have described, we do not recommend passage of the House or Senate Bills as currently proposed. We suggest that a local/state commission be created with the purpose of drafting a model approach to the problem of source separation and solid waste reduction efforts. We think such a commission with broad participation and input from all sectors of the solid waste arena will bring many important perspectives to bear on this problem and solve many of the difficulties mentioned above.

In summary, while we endorse the underlying premise that recycling can make a significant contribution towards a solution of the landfill problems, we respectfully request a comprehensive study and a voice on its affects on municipal solid waste collection and disposal.

Sincerely,

HOWARD D. TIPTON
City Manager

HDT:REH:sgs

cc: Mayor and City Commission
    Bernard Murphy
    Ken Parker
April 22, 1988

Mr. Howard D. Tipton  
City Manager  
City of Daytona Beach  
Post Office Box 551  
Daytona Beach, Florida 32015

Dear Mr. Tipton:

Thank you for your letter of April 8 regarding the solid waste management legislation being developed by the House Natural Resources Committee. I understand your concern that statewide efforts to increase recycling and resource recovery should be done in an orderly, thoughtful manner. Although the House legislation is not perfect, I feel that it is constructed so that many of the issues you raised in your letter are addressed.

The solid waste legislation has been amended to make the timeframes for developing municipal recycling programs more consistent with the timeframes for developing local comprehensive plans. This should allow additional time to develop and begin implementing a recycling program. The extended timeframes also should allow the provisions of the bill dealing with market development to more fully evolve.

The legislation also has been amended to address some of your concerns about municipal authority over solid waste management. There are now provisions in the bill that would: (1) provide that nothing in a county's solid waste management program can interfere with a municipality's authority to collect solid waste; (2) provide that a municipality can use facilities for recycling that are different than disposal facilities designated by a county; (3) provide that a county's designation of a disposal facility cannot interfere with the ability of a municipality to enact "flow control" ordinances to ensure enough solid waste for resource recovery facilities; and (4) provide municipalities with an administrative remedy for overcoming a clearly burdensome disposal facility designation by a county. The solid waste legislation also provides a
negotiation mechanism for municipalities and franchisees to determine the best way to implement required recycling programs.

I am not sure which provision of the legislation you refer to in your letter that would prohibit municipalities from entering into interlocal agreements for solid waste management. To my knowledge, there was never any attempt to prohibit municipalities from entering into such agreements.

Finally, the solid waste legislation will provide funding for local recycling and solid waste management programs. Provisions in the legislation would raise approximately $39 million to fund grants to local governments for recycling, composting, special waste management, solid waste management program development, and improvements to and closing of existing landfills. This amount may only scratch the surface of Florida's solid waste needs, but it is a least a first step toward paying for our solid waste problems.

I have enclosed a more recent copy of the solid waste management legislation for your review. I would appreciate your advice on how it might be improved.

Sincerely,

Jack Ascherl
Representative, District 30

cc: Representative Sam Bell

Enclosures
MEMORANDUM

TO: Representative Sam Bell, Chairman
House Appropriations Committee

FROM: David Hawley, Legislative Analyst
House Natural Resources Committee

SUBJ: Solid Waste Management Bill Issues

April 27, 1988

As you requested, I spoke to Howard Tipton, City Manager for the City of Daytona Beach, regarding his concerns about the House solid waste management bill. Mr. Tipton and I did not go into details on the bill, but we did briefly discuss his concern about the magnitude of the bill and how rapidly the bill is being developed. His primary problem is that he feels the bill is being developed too fast and that the ramifications of it being enacted this year are not being fully considered.

Mr. Tipton believes that something needs to be done about Florida's growing solid waste problem. He is worried, however, that local governments are going to be presented with state requirements that they will have substantial difficulty in implementing. He suggested that legislation be developed to address the solid waste problem and that a statewide commission be established to review the legislation before it becomes effective.

I have attached for your information a draft copy of a letter we prepared for Representative Ascherl in response to some of Mr. Tipton's specific questions.

Please let me know if you have additional questions or need more information.
I. SUMMARY:
This bill clarifies the administration of ad valorem taxes.

A. PRESENT SITUATION:
See section by section analysis.

B. EFFECT OF PROPOSED CHANGES:
See section by section analysis.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Currently s.719.114, F.S., provides for the ad
valorem taxation of cooperative parcels. Section 1 puts a cross
reference into the ad valorem assessment chapter, Chapter 193,
F.S. for the current method of assessing cooperative parcels in
s.719.114, F.S. Section 1 makes no substantive change to the
law.

Section 2. This section corrects a scrivener's error in s.
193.075, F.S., which relates to the ad valorem taxation of
mobile homes. Section 193.075 incorrectly cross-references the
motor vehicular licensing of mobile homes as being contained in
subsection (8) of s. 320.08. Actually, the motor vehicular
licensure provision is not governed by subsection (8) of s.
320.08; rather it is governed by subsection (11) of s. 320.08.
This section of the bill properly cross-references s.
320.08(11).

Section 3. Currently, tax collectors may destroy a tax record
after 5 years if he maintains a duplicate on microfilm. This
section would allow the destruction of a tax record after one
year if a duplicate is maintained on microfilm.

Section 4. Currently the title of s.197.342, F.S., states that
it refers to the notice of taxes, which is the ad valorem tax
Section 5. Currently, local taxing authorities wanting to generate revenues which exceed the preceding years revenues must call the increased revenues a tax increase by advertising it as a tax increase in the newspaper and in the taxpayer notices of proposed taxes required by the truth in millage section, s.200.065, F.S. (TRIM). Thus, TRIM requires advertising a tax increases even though a local taxing authority adopts the same millage as the preceding year's when the millage rate will generate more revenue because of an increase in the assessed value of property. The Department of Revenue is required to review all tax rolls to make sure that the property appraiser has valued the property at full market value. If the Department determines that the property appraiser failed to put the roll at full market value, the statutes authorizes certain mechanisms to force the assessed value up to full market value. Currently, if the department forces the roll up and thereby increases the tax base, local taxing authorities could use the increase value to raise taxes within the meaning of TRIM and not be required to advertise it as a tax increase.

This section amends s.200.065, F.S. and prohibits local taxing authorities from adopting without additional notice to the taxpayers a higher property valuation than initially certified to the Department of Revenue. If the Department's review of the tax roll results in raising the value of the roll, this section would prohibit the taxing authority from using the higher valuation as a basis for increasing revenue without properly notifying the taxpayers of an increase in taxes pursuant to truth in millage (TRIM).

This section also amends s.200.065, F.S., and requires the local taxing authorities to notify the property appraiser, the tax collector and the Department of Revenue within 3 days of setting the millage rate. Currently, the taxing authorities must notify those government officials of the millage rates within 101 days of the date the property appraiser certifies the roll.

Section 6. Currently s. 286.0105, F.S. requires all government meeting notices to include a statement that a record of the proceedings may be needed if an appeal is taken. This provision applies to TRIM notices which are mailed to taxpayers and which appear in newspapers. This section would exempt TRIM notices from the requirements of s. 286.0105, F.S.

Section 7. This section provides that the act takes effect on July 1, 1988, or upon becoming a law, which ever occurs later.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:
1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:
   None.

3. Long Run Effects Other Than Normal Growth:
   None.

4. Appropriations Consequences:
   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   None.

2. Recurring or Annualized Continuation Effects:
   None.

3. Long Run Effects Other Than Normal Growth:
   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   None.

2. Direct Private Sector Benefits:
   None.

3. Effects on Competition, Private Enterprise, and Employment Markets:
   None.

D. FISCAL COMMENTS:

   In general this bill has no fiscal effect.

III. LONG RANGE CONSEQUENCES:

   None.
IV. COMMENTS:

V. AMENDMENTS:

None.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by:Staff Director:

FINANCE & TAXATION:
Prepared by:Staff Director:

APPROPRIATIONS:
Prepared by:Staff Director:
I. SUMMARY:

A. PRESENT SITUATION:

There are numerous state laws governing the creation, operation and regulation of local general-purpose governments that do not apply to special districts. Methods of creation, operation, and maintenance are sprinkled throughout the statutes, with the most common method being creation by special act. Therefore, each of the approximately 700 independent special districts in the state is uniquely different, resulting in a lack of accountability to the citizens within the districts.

B. EFFECT OF PROPOSED CHANGES:

This legislation creates "The Uniform Special District Accountability Act of 1988." The bill substantially amends Chapter 189 to provide uniform provisions for special district elections, comprehensive planning, reporting, non-ad valorem assessment collection and bond issuance.

Finally, chapters and statutes regulating types of special districts which the legislature clearly intended to be created as independent special districts will be physically moved, unchanged, from their present location in the statutes to be housed, as parts, within Chapter 189.
C. SECTION-BY-SECTION ANALYSIS:

Section 1. s. 189.401 - Short title: "Uniform Special District Accountability Act of 1988."

Section 2. s. 189.402 - Statement of legislative purpose and intent.

Section 3. s. 189.405 - Requires all dependent district elections to be held by supervisor of elections; independent districts may use alternate method for elections, but must follow Florida Election Code; multicounty districts must conform to Florida Election Code, but qualifying must be coordinated by the supervisors of elections for each county within the district; method for converting from one-acre/one-vote to one-person/one-vote; provides exemption from conversion method for single-purpose water control districts created pursuant to chapter 298 and for community development districts created pursuant to chapter 190.

Section 4. s. 189.4065 - Requires special districts to provide for the collection of non-ad valorem assessments in accordance with chapter 197 or chapter 170.

Section 5. s. 189.408 - Provides that special district bond referenda shall be conducted according to ss. 100.211 and 100.221; provides an exemption for community development districts created pursuant to chapter 190.

Section 6. s. 189.4085 - Provides procedure for ensuring credit quality of bonds when no referendum is required; provides an exemption for community development districts created pursuant to chapter 190.

Section 7. s. 189.409 - Requires a special district to notify the Governor and the Legislative Auditing Committee of an impending financial emergency as provided in s. 218.503.

Section 8. s. 189.412 - Creates the Office of Special District Information (OSDI) as a part of DCA, and provides duties of same.

Section 9. Requires the Office of Special District Information to prepare a list of independent and dependent special districts.

Section 10. s. 189.413 - Lists the duties incumbent upon any state agency administering funding programs in which special districts take part.

Section 11. s. 189.415 - Requires independent special districts to annually file a "Special District Public Facilities Report"; and provides required contents of same.

Section 12. s. 189.4155 - Requires that special district activities be consistent with the applicable adopted local government comprehensive plan.
Section 13. s. 189.416 - Renumber s. 189.004.

Section 14. s. 189.417 - Renumber s. 189.005; provides specifications for public notice of meetings other than regular district meetings.

Section 15. s. 189.418 - Renumber s. 189.006 - Authorizes any entity creating an independent special district to file a copy of the enabling act with the department, which must determine the independent or dependent status of the district and give notice of same; requires each independent special district to file a map of the district with the local general-purpose government.

Section 16. s. 189.419 - Renumber s. 189.007.

Section 17. s. 189.421 - Renumber s. 189.008.

Section 18. s. 189.422 - Renumber s. 189.009.

Section 19. s. 189.423 - Renumber s. 189.30; provides an exemption for community development districts created pursuant to chapter 190.

Section 20. s. 189.425 - Transfers s. 125.901 (relating to juvenile welfare boards) to Chapter 189.

Section 21. s. 189.426 - Transfers s. 154.331 (relating to indigent health care districts) to Chapter 189.

Section 22. Transfers Chapter 190 (relating to community development districts) to Chapter 189.

Section 23. Transfers Chapter 298 (relating to water control districts) to Chapter 189.

Section 24. Transfers Chapter 374 (relating to canal authorities, navigation districts, and waterways developments) to Chapter 189.

Non-Ad Valorem Assessment Collection

Section 25. s. 197.102 - Appropriate amendments to s. 197.102. for accommodation of non-ad valorem assessment certificate procedures in the definition of "tax certificate" and "tax notice"; specifies that the bill that combines the ad valorem taxes and the non-ad valorem assessments is pursuant to the uniform method, as opposed to other methods allowed in this chapter; defines "ad valorem tax roll" and "non-ad valorem assessment rolls."

Section 26. s. 197.322 - Amended to require the combined non-ad valorem assessment and notice of ad valorem taxes to conform to s. 197.3635.
Section 27. s. 197.363 - Amended to provide property appraisers the option of continuing to place non-ad valorem assessments on the ad valorem roll, if they have done so in the past; amended to prohibit the use of this method after January 1, 1990.

Section 28. s. 197.3631 - Created to provide that the new method of collecting non-ad valorem assessments provided in section 29 of the bill may be used effective October 1, 1989; amended to allow other methods of collection providing that they do not require all the services of the property appraisers and tax collectors specified by the uniform method.

Section 29. s. 197.3632 - Defines "levy," "local government," "local governing board," "non-ad valorem assessment," and "non-ad valorem assessment roll," and "compatible electronic medium." Requires local entities utilizing the uniform method of non-ad valorem assessment to comply with certain procedures:

each local government levying non-ad valorem assessments must have a written agreement with the property appraiser and tax collector providing for reimbursement of administrative costs;

the local entity must submit to the property appraiser by January 10 a copy of the ordinance authorizing the non-ad valorem assessment and a legal description of the boundaries of the area subject to the assessment. The property appraiser must furnish the NAL (name, address, legal description) in the area described to that local entity by June 1;

all existing or new taxing authorities must comply with the provisions related to the hearing for approval of the non-ad valorem assessment roll;

the non-ad valorem assessment roll must be adopted at a public hearing held by each local entity levying non-ad valorem assessments after proper noticing;

non-ad valorem assessment rolls adopted pursuant to this section must be certified to the tax collector no later than September 15 of each year;

provides that non-ad valorem assessments are subject to all collection provisions in Chapter 197, including provisions relating to discount for early payment, prepayment by installment method, penalty for delinquent payment, and issuance of tax certificates and tax deeds for nonpayment and deferred payment;

Circumstances under which the tax collector may mail out separate notices for ad valorem taxes and non-ad valorem assessments.

Section 30. s. 197.3635 - Creates requirements that specify the format and content of the combined non-ad valorem and ad valorem tax bill.
Miscellaneous Revisions

Section 31. s. 11.45 - Amended to require independent districts with revenues or expenditures above $25,000 and independent districts issuing bonds greater than $500,000 with an original maturity date in excess of 1 year from the time of issuance to have an annual audit conducted.

When the Auditor General conducts an audit, adverse audit findings related to failure to meet debt services payments, failure to comply with significant bond covenants, failure to meet bond reserve requirements, and significant erosion of district's revenue producing capacity shall be reported to the Division of Bond Finance. Provides that the Auditor General must send annually a list of independent special districts in compliance and not in compliance with this section to the Office of Special District Information (OSDI).

Section 32. s. 20.18 - Provides that it is the responsibility of DCA to "improve enforcement of special district reporting requirements and the communication between state agencies that receive mandatory reports from special districts."

Section 33. s. 75.05 - Requires Department of Banking and Finance to provide the Division of Bond Finance with a copy of the served complaint in a bond validation proceeding.

Section 34. s. 112.322 - Requires the Commission on Ethics to submit a list of special district local officers certified as delinquent in filing financial disclosure to the OSDI by November 1 each year.

Section 35. s. 112.665 - Requires the Division of Retirement to send a list of special districts participating in and complying with provisions in s. 112.63 and the state administered retirement system provisions to OSDI, by January 1 each year.

Section 36. s. 218.32 - Requires independent special districts, cities and counties, as units of local government, to submit annual financial reports, and provides hearing for failure to report; requires the Legislative Auditing Committee to notify the Department of Revenue and the Department of Banking and Finance to withhold any funds payable to a city, county, or independent special district that is delinquent in its reporting;

requires the Legislative Auditing Committee to notify the Department of Community Affairs when an independent special district fails to submit a report;

requires a local government's annual financial report to include a list of dependent special districts within that local government's jurisdiction;

requires the Dept. of Banking and Finance to submit financial reports it receives to the Governor and Legislature by May 1 and to submit a list of those districts failing to comply with the reporting requirements in 218.32 to the OSDI.
Section 37. s. 218.37 - Requires the Division of Bond Finance to provide the OSDI with a list of those special districts not in compliance with the requirements in 218.38 before January 1 each year; the division is to use the bond validation complaint required in s. 75.05 to verify compliance of that special district with the requirements in s. 218.38.

Section 38. s. 218.38 - Provides hearing for failure to provide notice of bond issuance;

requires the Joint Legislative Auditing Committee to notify the Department of Revenue and the Department of Banking and Finance when a special district, city, or county is delinquent in reporting in order to withhold any funds not pledged for debt service satisfaction; if the delinquent entity is a special district, Legislative Auditing must also notify DCA.

Sections 39-40. s. 190.011 and s. 190.021 - Amended to allow community development districts to use the uniform method of non-ad valorem assessment.

Section 41. s. 200.0684 - Requires Division of Ad Valorem Tax to send a report of compliance with certification requirements to the OSDI.

Section 42. s. 218.34 - Amended to remove special district reporting requirement to Department of Banking and Finance.

Section 43. s. 100.011 - Amended to preempt all special laws and to require that all elections for special districts conform to s. 189.405; provides an exception for community development districts.

Section 44. s. 218.503 - Amended to authorize any unit of local government or state agency to notify the Governor and the Legislative Auditing Committee of a local government's impending financial emergency.

Section 45. Provides certain exemptions from this act with respect to ports listed in s. 403.021(9)(b).

Section 46. Provides rulemaking authority for the Department of Community Affairs.

Section 47. (Housekeeping) - Repeals ss. 189.001 and 189.002.

Sections 48-50. Effective July 1, 1990, provides for the abolishment of specified, inactive special districts.

Section 51. Provides for a schedule of fees to pay the costs incurred by the Department for the work related to administration of this act, and limits the fee to $150 per district per year and sets up a trust fund for depositing the fees.

Section 52. Directs Statutory Revision to exercise its power pursuant to s. 11.242(5)(g), F.S., and renumbers the transferred
provisions of this act without the necessity for a reviser's bill.

Section 53. Provides appropriation to Department of Community Affairs for fiscal year 1988-1989 from the general revenue fund.

Section 54. Effective date of the bill: October 1, 1988.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

   EXPENDITURES:
   Department of Community Affairs
   Other Personal Services $20,000 $0 $0
   Expenses 3,257 0 0
   Operating Capital Outlay 22,649 0 0
   Total $45,906 $0 $0

2. Recurring or Annualized Continuation Effects:

   EXPENDITURES:
   Department of Community Affairs
   Salaries and Benefits (5 FTE) $106,719 $81,754 $81,754
   Expenses 22,375 22,375 22,375
   Indirect Cost 0 24,965 24,965
   Total $129,094 $129,094 $129,094

3. Long Run Effects Other Than Normal Growth:

   None

4. Appropriations Consequences:

   EXPENDITURES:
   General Revenue Fund $175,000 $0 $0
   Grants & Donations Trust Fund 0 129,094 129,094

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

   Fees required by the bill could cost special-purpose governments up to $150 per district per year. The actual amount will be determined by DCA based upon the amount charged per district.

   Special districts will incur additional expense in the process mandated by the bill for determining their dependent or independent status.
2. Recurring or Annualized Continuation Effects:

Fees will be charged annually as set by the Department of Community Affairs not to exceed $150 per district per year.

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

None

III. LONG RANGE CONSEQUENCES:

IV. COMMENTS:

There are approximately 700 independent special districts and approximately 200 dependent special taxing districts in this state. Methods of creation are found throughout the statutes; however, the most common method is creation by special act.

Special districts generate a considerable amount of revenue and issue substantial amounts in bonds. The Division of Bond Finance reports that the total amount in bonds issued by special districts from 1979 to January 1986, is $19 billion, more than half the total amount in bonds issued by all local governments within the state.

Uniformity in the creation and operation of special districts is of vital importance to the state, as is the accountability of the districts for the revenue they receive. Chapter 189, as amended by this legislation, provides statutory guidelines and uniformity for special district powers and duties in much the same manner as
chapters 125 and 166 provide for counties and municipalities, respectively.

It should be noted that this bill is, in large part, a product of the extensive study, report, and recommended legislation of the Florida Advisory Council on Intergovernmental Relations concerning the lack of accountability in special districts. Also included are recommendations, suggestions, comments, and input from many sources such as the Auditor General, the Department of Community Affairs, the Division of Bond Finance, the Department of Natural Resources, the Division of Ad Valorem Tax, the Joint Legislative Auditing Committee, the Division of Securities and Investor Protection, the Association of Special Districts, the Florida Property Appraiser's Association, the Tax Collectors of Florida, Incorporated, the Association of Counties, the Palm Beach Special District Study Task Force, and several individual counties, special districts, and various members of the House.

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by:

Cynthia D. Morani
Cynthia D. Morani, Staff Attorney

M. J. Pond
M. J. Pond, Legislative Intern

FINANCE & TAXATION:
Prepared by:

Sarah Bleakley

APPROPRIATIONS:
Prepared by:

Frank Morgan

Staff Director:

Staff Director:

Staff Director:
HOUSE OF REPRESENTATIVES
COMMITTEE ON COMMUNITY AFFAIRS
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: CS/CS/HB 1605 (ss. 3-9, CS/SB 1171 & ss. 64-70, CS/CS/SB 1192)

(REPB CA 88-2)

RELATING TO: The Uniform Special District Accountability Act of 1988

SPONSOR(S): Committees on Community Affairs, Finance & Taxation & Appropriations

EFFECTIVE DATE: October 1, 1988 (CS/CS/HB 1605)

July 1, 1988/October 1, 1988 (companion bills)

DATE BECAME LAW: June 24 and July 1, 1988 (companion bills)

CHAPTER #: 88-216 and 88-130, Laws of Florida

COMPANION BILL(S): CS/SB 1171 (ss. 3-9), CS/CS/SB 1192 (ss. 64-70)

OTHER COMMITTEES OF REFERENCE: (1) Finance & Taxation

(2) Appropriations

******************************************************************************************

I. SUMMARY:

HB 1605 was introduced by the Community Affairs Committee May 6, 1988. The bill was then heard and favorably passed by Finance and Taxation as a committee substitute on May 31; then referred to Appropriations, where it passed as a committee substitute, and was placed on the Calendar on June 1. On June 2, amendments were adopted and CS/CS/HB 1605 was passed by the House.

On June 6, the bill was received in the Senate, substituted for CS/CS/SB 633, and an amendment adopted. On June 7, the bill was placed on the Calendar, passed by the Senate as amended, amendments were made to the amendment, and the bill was returned to the House.

The House concurred in Senate amendments 1C, 1E, 1F, 2C, and 2F; refused to concur with Senate amendments 1A, 1B, 1D, 2A, 2B, 2D, 2F and 2G; amended Senate amendment 1E, and passed the as amended. Thereafter, on June 7, 1988, CS/CS/HB 1605 died in Senate messages.

However, sections 25-30 of CS/CS/HB 1605, relating to non-ad valorem assessment, passed separately in two different bills: CS/SB 1171 (ss. 3-9) and CS/CS/SB 1192 (ss. 64-70). CS/SB 1171 was approved by the Governor on July 1, 1988, and became chapter 88-216, Laws of
Florida. CS/CS/SB 1192 was signed by the Governor on June 24, 1988, and became chapter 88-130, Laws of Florida.

A. PRESENT SITUATION:

There are numerous state laws governing the creation, operation and regulation of local general-purpose governments that do not apply to special districts. Methods of creation, operation, and maintenance are sprinkled throughout the statutes, with the most common method being creation by special act. Therefore, each of the approximately 700 independent special districts in the state is uniquely different, resulting in a lack of accountability to the citizens within the districts.

B. EFFECT OF PROPOSED CHANGES:

This legislation creates "The Uniform Special District Accountability Act of 1988." The bill substantially amends Chapter 189 to provide uniform provisions for special district elections, comprehensive planning, reporting, non-ad valorem assessment collection and bond issuance.

Finally, chapters and statutes regulating types of special districts which the legislature clearly intended to be created as independent special districts will be physically moved, unchanged, from their present location in the statutes to be housed, as parts, within Chapter 189.

C. SECTION-BY-SECTION ANALYSIS: (*Only ss. 25-30 passed)

Section 1. s. 189.401 - Short title: "Uniform Special District Accountability Act of 1988."

Section 2. s. 189.402 - Statement of legislative purpose and intent.

Section 3. s. 189.405 - Requires all dependent district elections to be held by supervisor of elections; independent districts may use alternate method for elections, but must follow Florida Election Code; multicounty districts must conform to Florida Election Code, but qualifying must be coordinated by the supervisors of elections for each county within the district; method for converting from one-acre/one-vote to one-person/one-vote; provides exemption from conversion method for single-purpose water control districts created pursuant to chapter 298 and for community development districts created pursuant to chapter 190.

Section 4. s. 189.4065 - Requires special districts to provide for the collection of non-ad valorem assessments in accordance with chapter 197 or chapter 170.

Section 5. s. 189.408 - Provides that special district bond referenda shall be conducted according to ss. 100.211 and
100.221; provides an exemption for community development districts created pursuant to chapter 190.

Section 6. s. 189.4085 - Provides procedure for ensuring credit quality of bonds when no referendum is required; provides an exemption for community development districts created pursuant to chapter 190.

Section 7. s. 189.409 - Requires a special district to notify the Governor and the Legislative Auditing Committee of an impending financial emergency as provided in s. 218.503.

Section 8. s. 189.412 - Creates the Office of Special District Information (OSDI) as a part of DCA, and provides duties of same.

Section 9. Requires the Office of Special District Information to prepare a list of independent and dependent special districts.

Section 10. s. 189.413 - Lists the duties incumbent upon any state agency administering funding programs in which special districts take part.

Section 11. s. 189.415 - Requires independent special districts to annually file a "Special District Public Facilities Report"; and provides required contents of same.

Section 12. s. 189.4155 - Requires that special district activities be consistent with the applicable adopted local government comprehensive plan.

Section 13. s. 189.416 - Renumbers s. 189.004.

Section 14. s. 189.417 - Renumbers s. 189.005; provides specifications for public notice of meetings other than regular district meetings.

Section 15. s. 189.418 - Renumbers s. 189.006 - Authorizes any entity creating an independent special district to file a copy of the enabling act with the department, which must determine the independent or dependent status of the district and give notice of same; requires each independent special district to file a map of the district with the local general-purpose government.

Section 16. s. 189.419 - Renumbers s. 189.007.

Section 17. s. 189.421 - Renumbers s. 189.008.

Section 18. s. 189.422 - Renumbers s. 189.009.

Section 19. s. 189.423 - Renumbers s. 189.30; provides an exemption for community development districts created pursuant to chapter 190.
Section 20. s. 189.425 - Transfers s. 125.901 (relating to juvenile welfare boards) to Chapter 189.

Section 21. s. 189.426 - Transfers s. 154.331 (relating to indigent health care districts) to Chapter 189.

Section 22. Transfers Chapter 190 (relating to community development districts) to Chapter 189.

Section 23. Transfers Chapter 298 (relating to water control districts) to Chapter 189.

Section 24. Transfers Chapter 374 (relating to canal authorities, navigation districts, and waterways developments) to Chapter 189.

Non-Ad Valorem Assessment Collection (See chs. 88-216 & 88-130)

Section 25. s. 197.102 - Appropriate amendments to s. 197.102. For accommodation of non-ad valorem assessment certificate procedures in the definition of "tax certificate" and "tax notice"; specifies that the bill that combines the ad valorem taxes and the non-ad valorem assessments is pursuant to the uniform method, as opposed to other methods allowed in this chapter; defines "ad valorem tax roll" and "non-ad valorem assessment rolls."

Section 26. s. 197.322 - Amended to require the combined non-ad valorem assessment and notice of ad valorem taxes to conform to s. 197.3635.

Section 27. s. 197.363 - Amended to provide property appraisers the option of continuing to place non-ad valorem assessments on the ad valorem roll, if they have done so in the past; amended to prohibit the use of this method after January 1, 1990.

Section 28. s. 197.3631 - Created to provide that the new method of collecting non-ad valorem assessments provided in section 29 of the bill may be used effective October 1, 1989; amended to allow other methods of collection providing that they do not require all the services of the property appraisers and tax collectors specified by the uniform method.

Section 29. s. 197.3632 - Defines "levy," "local government," "local governing board," "non-ad valorem assessment," and "non-ad valorem assessment roll," and "compatible electronic medium." Requires local entities utilizing the uniform method of non-ad valorem assessment to comply with certain procedures:

- Each local government levying non-ad valorem assessments must have a written agreement with the property appraiser and tax collector providing for reimbursement of administrative costs;
- The local entity must submit to the property appraiser by January 10 a copy of the ordinance authorizing the non-ad valorem assessment and a legal description of the boundaries of the area subject to the assessment. The property appraiser must furnish the NAL (name, address, legal description) in the area described to that local entity by June 1;

- All existing or new taxing authorities must comply with the provisions related to the hearing for approval of the non-ad valorem assessment roll;

- The non-ad valorem assessment roll must be adopted at a public hearing held by each local entity levying non-ad valorem assessments after proper noticing;

- Non-ad valorem assessment rolls adopted pursuant to this section must be certified to the tax collector no later than September 15 of each year;

- Non-ad valorem assessments are subject to all collection provisions in Chapter 197, including provisions relating to discount for early payment, prepayment by installment method, penalty for delinquent payment, and issuance of tax certificates and tax deeds for nonpayment and deferred payment;

- Circumstances under which the tax collector may mail out separate notices for ad valorem taxes and non-ad valorem assessments.

Section 30. s. 197.3635 - Creates requirements that specify the format and content of the combined non-ad valorem and ad valorem tax bill.

Miscellaneous Revisions

Section 31. s. 11.45 - Amended to require independent districts with revenues or expenditures above $25,000 and independent districts issuing bonds greater than $500,000 with an original maturity date in excess of 1 year from the time of issuance to have an annual audit conducted.

When the Auditor General conducts an audit, adverse audit findings related to failure to meet debt services payments, failure to comply with significant bond covenants, failure to meet bond reserve requirements, and significant erosion of district's revenue producing capacity shall be reported to the Division of Bond Finance. Provides that the Auditor General must send annually a list of independent special districts in compliance and not in compliance with this section to the Office of Special District Information (OSDI).
Section 32. s. 20.18 - Provides that it is the responsibility of DCA to "improve enforcement of special district reporting requirements and the communication between state agencies that receive mandatory reports from special districts."

Section 33. s. 75.05 - Requires Department of Banking and Finance to provide the Division of Bond Finance with a copy of the served complaint in a bond validation proceeding.

Section 34. s. 112.322 - Requires the Commission on Ethics to submit a list of special district local officers certified as delinquent in filing financial disclosure to the OSDI by November 1 each year.

Section 35. s. 112.665 - Requires the Division of Retirement to send a list of special districts participating in and complying with provisions in s. 112.63 and the state administered retirement system provisions to OSDI, by January 1 each year.

Section 36. s. 218.32 - Requires independent special districts, cities and counties, as units of local government, to submit annual financial reports, and provides hearing for failure to report; requires the Legislative Auditing Committee to notify the Department of Revenue and the Department of Banking and Finance to withhold any funds payable to a city, county, or independent special district that is delinquent in its reporting;

Requires the Legislative Auditing Committee to notify the Department of Community Affairs when an independent special district fails to submit a report;

Requires a local government's annual financial report to include a list of dependent special districts within that local government's jurisdiction;

Requires the Dept. of Banking and Finance to submit financial reports it receives to the Governor and Legislature by May 1 and to submit a list of those districts failing to comply with the reporting requirements in 218.32 to the OSDI.

Section 37. s. 218.37 - Requires the Division of Bond Finance to provide the OSDI with a list of those special districts not in compliance with the requirements in 218.38 before January 1 each year; the division is to use the bond validation complaint required in s. 75.05 to verify compliance of that special district with the requirements in s. 218.38.

Section 38. s. 218.38 - Provides hearing for failure to provide notice of bond issuance; requires the Joint Legislative Auditing Committee to notify the Department of Revenue and the Department of Banking and Finance when a special district, city, or county is delinquent in reporting in order to withhold any funds not pledged for debt service satisfaction; if the delinquent entity is a special district, Legislative Auditing must also notify DCA.
Sections 39-40. s. 190.011 and s. 190.021 - Amended to allow community development districts to use the uniform method of non-ad valorem assessment.

Section 41. s. 200.0684 - Requires Division of Ad Valorem Tax to send a report of compliance with certification requirements to the OSDI.

Section 42. s. 218.34 - Amended to remove special district reporting requirement to Department of Banking and Finance.

Section 43. s. 100.011 - Amended to preempt all special laws and to require that all elections for special districts conform to s. 189.405; provides an exception for community development districts.

Section 44. s. 218.503 - Amended to authorize any unit of local government or state agency to notify the Governor and the Legislative Auditing Committee of a local government's impending financial emergency.

Section 45. Provides certain exemptions from this act with respect to ports listed in s. 403.021(9)(b).

Section 46. Provides rulemaking authority for the Department of Community Affairs.

Section 47. (Housekeeping) - Repeals ss. 189.001 and 189.002.

Sections 48-50. Effective July 1, 1990, provides for the abolishment of specified, inactive special districts.

Section 51. Provides for a schedule of fees to pay the costs incurred by the Department for the work related to administration of this act, and limits the fee to $150 per district per year and sets up a trust fund for depositing the fees.

Section 52. Directs statute editors to exercise powers under s. 11.242(5)(g), F.S., and renumber the transferred provisions of this act without the necessity for a reviser's bill.

Section 53. Provides appropriation to Department of Community Affairs for fiscal year 1988-1989 from the general revenue fund.

Section 54. Effective date of the bill: October 1, 1988.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:
1. Non-recurring or First Year Start-Up Effects:

EXPENDITURES:
Department of Community Affairs
Other Personal Services $20,000 $0 $0
Expenses 3,257 0 0
Operating Capital Outlay 22,649 0 0
Total $45,906 $0 $0

2. Recurring or Annualized Continuation Effects:

EXPENDITURES:
Department of Community Affairs
Salaries and Benefits (5 FTE) $106,719 $81,754 $81,754
Expenses 22,375 22,375 22,375
Indirect Cost 0 24,965 24,965
Total $129,094 $129,094 $129,094

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

EXPENDITURES:
General Revenue Fund $175,000 $0 $0
Grants & Donations Trust Fund 0 129,094 129,094

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

Fees required by the bill could cost special-purpose governments up to $150 per district per year. The actual amount will be determined by DCA based upon the amount charged per district.

Special districts will incur additional expense in the process mandated by the bill for determining their dependent or independent status.

2. Recurring or Annualized Continuation Effects:

Fees will be charged annually as set by the Department of Community Affairs not to exceed $150 per district per year.

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:
III. LONG RANGE CONSEQUENCES:

None

IV. COMMENTS:

There are approximately 700 independent special districts and approximately 200 dependent special taxing districts in this state. Methods of creation are found throughout the statutes; however, the most common method is creation by special act.

Special districts generate a considerable amount of revenue and issue substantial amounts in bonds. The Division of Bond Finance reports that the total amount in bonds issued by special districts from 1979 to January 1986, is $19 billion, more than half the total amount in bonds issued by all local governments within the state.

Uniformity in the creation and operation of special districts is of vital importance to the state, as is the accountability of the districts for the revenue they receive. Chapter 189, as amended by this legislation, provides statutory guidelines and uniformity for special district powers and duties in much the same manner as chapters 125 and 166 provide for counties and municipalities, respectively.

It should be noted that this bill is, in large part, a product of the extensive study, report, and recommended legislation of the Florida Advisory Council on Intergovernmental Relations concerning the lack of accountability in special districts. Also included are recommendations, suggestions, comments, and input from many sources such as the Auditor General, the Department of Community Affairs, the Division of Bond Finance, the Department of Natural Resources, the Division of Ad Valorem Tax, the Joint Legislative Auditing Committee, the Division of Securities and Investor Protection, the Association of Special Districts, the Florida Property Appraiser's Association, the Tax Collectors of Florida, Incorporated, the Association of Counties, the Palm Beach Special District Study Task Force, and
several individual counties, special districts, and various members of the House.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Cynthia D. Morani, Staff Attorney  M. J. Pond, Legislative Intern
Staff Director: Mario L. Taylor

FINANCE & TAXATION:
Prepared by: Sarah Bleakley
Staff Director: Henry C. Cain

APPROPRIATIONS:
Prepared by: Frank Morgan
Staff Director: James A. Zingale
I. SUMMARY OF BILL AS INTRODUCED:

A. Present Situation:

Solid Waste Management Problems and Costs

The mismanagement of solid waste can create serious problems for Florida's environment and for the health of the citizens of the state. Solid waste that is poorly managed can cause contamination of groundwater and surface waters; allow migration of landfill gases; create wind-blown litter and debris; require more land than would otherwise be needed for disposal; and require the expenditure of millions of dollars for remedial cleanup. Increased generation of solid waste, from both a growing population and the increased use of disposable materials, can magnify the adverse effects of the mismanagement of solid waste as well as consume valuable natural resources.

Environmental and public health problems caused by the mismanagement of solid waste are beginning to appear in Florida and nationwide. According to a 1985 report on solid waste landfill closure prepared by the University of Florida, 40 sites on the Florida Hazardous Waste Sites List are or were solid waste landfills. A draft document from the Department of Environmental Regulation (DER) reports that 25 percent of the sites on the

1Section 403.703(9), Florida Statutes, defines solid waste as "sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations."
federal Superfund Cleanup List are old, leaking landfills. A 1987 draft study prepared by the University of Florida for the South Florida Water Management District found that there are approximately 3,500 acres of leaking landfills in south Florida that are releasing approximately two million gallons of concentrated leachate per day that could contaminate groundwater supplies.

Disposal of certain problem wastes or other wastes that are difficult to manage has increased the potential for environmental damage and increased the cost for disposal. These wastes (and the amounts generated per year according to a draft document provided by the DER) include:

-- Lead acid batteries (3 to 4 million). These batteries (batteries from motor vehicles) are often buried in landfills and burned in waste-to-energy facilities when recycling is not cost feasible. Contamination of water supplies from lead and acid, and emissions and ash containing high levels of lead, may result from this practice.

-- Discarded tires (15 million). Discarded tires consume excessive volumes of landfill space and may not completely burn in an incinerator. Discarded piles of tires can serve as breeding grounds for mosquitoes and can be a fire hazard.

-- Discarded white goods (1 to 2 million). These items, such as old refrigerators, stoves, etc., often end up being illegally dumped or illegally disposed of because of the volume of landfill space they consume and the difficulty in processing such goods for disposal or burning.

-- Used oil (8 to 9 million gallons unaccounted for each year). Used oil that is unaccounted for most likely is disposed of illegally. The used oil can be hazardous depending upon the substances it contains.

-- Infectious, pathogenic, or biohazardous waste that is not properly disposed of may pose a potential health threat to the public through contamination of water supplies or by direct contact. Such waste may also pose a health threat to solid waste management workers from handling improperly treated waste.

-- Construction and demolition debris, which is exempt from permitting in Florida, may contain potentially harmful wastes such as paints and solvents. Construction and demolition debris dumps tend to attract illegal or potentially harmful wastes and can create disposal problems for local governments.

The costs to government and the public for providing proper management of solid waste are substantial. A 1986 report by the DER entitled Report on the Potential for Solid Waste Management Grants estimated the average cost for solid waste management in Florida in 1985 to be $20.01 per ton, or an estimated total
statewide cost in 1985 of more than $250 million. In many instances, these costs are not fully borne by the persons receiving the solid waste management service. Of the 58 counties responding to survey questions from the DER relating to solid waste management financing, 19 indicated that their solid waste disposal costs were met completely by tipping fees; 13 met disposal costs with ad valorem revenues or general fund monies; and 1 met disposal costs with user fees. The remaining 25 counties used some combination of these revenue sources along with federal revenue sharing funds and state funds to meet solid waste disposal costs. Experts believe that people will not have the incentive to reduce the amount of waste they dispose of if they are unaware of what it actually costs them for solid waste collection and disposal.

To meet stringent state requirements for construction of landfills in Florida, most new landfills must have liners and leachate, stormwater, and landfill gas controls. New landfill construction costs in 1985 were estimated by the DER to average $73,500 per acre. Costs may vary depending on the characteristics of a landfill site. For example, the DER reports that the landfill construction cost for a site in Palm Beach County is estimated at $400,000 per acre.

Landfill closure rules adopted in 1985 require that full landfills be properly closed using methods for controlling infiltration of rainwater and controlling stormwater runoff, leachate, and landfill gas. Based on 1985 information, the DER has estimated that the average initial costs for closure of landfills in Florida range from $65,000 to $150,000 per acre.

The estimated cost of constructing a waste-to-energy facility is approximately $100,000 per design ton. Using this estimate, the proposed 3,000 ton per day facility being considered by Jacksonville could cost $300 million to construct.

The high costs incurred for solid waste management are prompting some local governments to examine the option of forming regional organizations for solid waste management. Although regionalization of solid waste management responsibilities appears attractive, questions have been raised about (1) the financial capability of regional organizations; (2) the ability of regional organizations to site solid waste management facilities; (3) the ability of regional organizations to control the flow of solid waste in a region; and (4) the potential liability for problems with regional facilities.

Littering of Florida's highways, beaches, and recreational areas continues to require significant state expenditures and labor for cleanup. In FY 1986-1987, the Florida Department of Transportation (DOT) collected 67,182 cubic yards of litter at a cost of $3.26 million. This represents an increase from FY 1985-1986 of 17,000 cubic yards of litter collected and an increase in litter collection costs of almost $500,000. According to a recently released litter survey by the DOT, the
amount of litter per lane-mile of highway has more than doubled from FY 1976-1977 to FY 1986-1987.

**Solid Waste Generation and Disposal**

The Department of Environmental Regulation has provided a draft document that shows the average solid waste generation rate in Florida to be slightly more than seven pounds of solid waste per day per person. Statewide, approximately 42,000 tons per day or 15.3 million tons per year of solid waste are generated. By the year 2000, it is projected that nearly twice the amount of solid waste generated today, or 30 million tons, will be generated.

The composition of solid waste disposed of in Florida varies throughout the state. According to a recent report by the Research Center for Waste Utilization at the Florida Institute of Technology and correspondence from the Pinellas County Solid Waste Management Division, the composition of solid waste in Brevard County and Pinellas County is as follows:

<table>
<thead>
<tr>
<th>Waste Component</th>
<th>Brevard</th>
<th>Pinellas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper</td>
<td>37%</td>
<td>30%</td>
</tr>
<tr>
<td>Cardboard</td>
<td>12%</td>
<td>4%</td>
</tr>
<tr>
<td>Plastics</td>
<td>7%</td>
<td>2%</td>
</tr>
<tr>
<td>Cloth</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Vegetation</td>
<td>17%</td>
<td>42%</td>
</tr>
<tr>
<td>Wood</td>
<td>6%</td>
<td>1%</td>
</tr>
<tr>
<td>Glass</td>
<td>5%</td>
<td>6%</td>
</tr>
<tr>
<td>Metals</td>
<td>5%</td>
<td>8%</td>
</tr>
<tr>
<td>Miscellaneous (food, dirt, etc.)</td>
<td>8%</td>
<td>5%</td>
</tr>
</tbody>
</table>

According to a draft DER document, the ratio of disposal practices for solid waste generated in Florida is about 65 percent landfill, 25 percent incineration or waste-to-energy, and 10 percent recycling or other method. The DER's estimation of recycling in Florida is based on a 1980 survey of the recycling industry. The department is currently updating this survey to determine the present rate of recycling in the state.

There are currently about 170 permitted landfills in the state. In 1975, there were over 500 permitted landfills. A reduction in the number of permitted landfills in the state is expected as costs for construction and closure rise and the siting of landfills becomes more difficult. Of the 9,400 acres of active, permitted landfills existing in 1987, 3,160 acres (or 33 percent) are scheduled to close by 1995.

There are nine operating waste-to-energy facilities in the state burning approximately 9,000 tons of solid waste per day. An additional seven facilities may be operating by 1992, bringing the state's total capacity for waste-to-energy facilities to 22,000 tons of solid waste burned per day.

The DER estimates that 10 percent of the solid waste in the state is recycled based on a 1980 survey showing that 1.1 million tons...
of paper, glass, and metal were recycled and consumed in Florida. There are no definitive recent figures on the recycling rate in Florida.

**Current Solid Waste Management Requirements**

The Florida Resource Recovery and Management Act (part IV, chapter 403, Florida Statutes), was passed by the Legislature in 1974 to "promote the application of resource recovery systems which preserve and enhance the quality of air, water, and land resources." Among other things, the act required the DER to adopt a state program for resource recovery and management by 1976 and required local governments to prepare local resource recovery and management programs by 1978. The state program was adopted by rule in 1976 (part II, chapter 17-7, Florida Administrative Code). The state resource recovery and management program primarily consists of requirements for the contents of local resource recovery and management programs submitted to the DER and guidelines on what should be in a local program.

The act was amended in 1976 to require the designation of only certain counties which were to prepare local resource recovery and management programs. Nineteen counties were designated by rule to prepare programs. All of these counties submitted programs to the DER for approval by 1981. Six counties have submitted updated programs to DER since 1981.

Since it was enacted in 1974, the Florida Resource Recovery and Management Act has been amended several times to provide additional requirements for solid and hazardous waste management. In 1980, chapter 80-302, Laws of Florida, expanded the act to add requirements for hazardous waste management. In 1983, chapter 83-310, Laws of Florida, amended several sections of the act relating to hazardous waste management and added provisions on closure of resource recovery and management facilities, disposal of solid waste on a person's own property, and disposal of solid waste near Class I surface waters. In 1984, chapter 84-338, Laws of Florida, amended the act to require consideration of the cost-effectiveness of landfill construction and closure methods and to allow the DER to issue variances from closure rules under certain circumstances.

In general, part IV of chapter 403, F.S., contains provisions relating to the state resource recovery and management program; local resource recovery and management programs; procurement of recovered materials by state agencies; permitting of resource recovery and management facilities; prohibitions and penalties relating to solid waste disposal; a resource recovery and management trust fund; the use of revenue bonds for development of resource recovery and management facilities; the transport of solid waste; the development of a paper recycling program by the Department of General Services; certification of resource recovery equipment for sales tax credits; and requirements relating to hazardous waste management and used oil collection and recycling.
Other actions have been taken over the past twelve years in attempts to provide for proper solid waste management and disposal. Some of these actions include:

(1) Passage of the federal Resource Recovery and Conservation Act of 1976 (RCRA). Subtitle D of RCRA provided limited federal supervision of state and local solid waste management. Under Subtitle D, states were required to prepare and submit solid waste management plans to the U.S. Environmental Protection Agency (EPA).

(2) Publication of the Florida Solid Waste Management Plan in 1981 in response to Subtitle D of RCRA. The plan has not been updated since its publication due to lack of funding.

(3) Passage of amendments to RCRA in 1984. Most of the amendments related to hazardous waste management. The amendments did require a study by the U.S. EPA of existing federal guidelines and criteria for solid waste management and disposal facilities by November 1987. EPA has prepared a draft study of the federal guidelines and criteria. A final study is expected to be released in April 1988.

(4) Adoption by the DER in 1985 of rules (part I, chapter 17-7, Florida Administrative Code) for the construction, closure, and monitoring of landfills and requirements for volume reduction plants, transfer stations, and resource recovery facilities.

There are two specific references to litter and littering in current law. Section 15.041, F.S., establishes a state litter control symbol. Section 403.413, F.S., provides a definition of litter and provides a penalty of a second degree misdemeanor for littering. Enforcement of Florida's litter law is the responsibility of law enforcement officers and designated county and city litter enforcement officers. The Department of Transportation places signs along state highways to notify drivers of litter penalties, but there is no statewide anti-litter campaign in place at this time.

Pricing of Electricity from Waste-to-Energy Facilities

The rates paid for electricity generated by public waste-to-energy facilities has been a matter of considerable debate. The federal Public Utilities Regulatory Policies Act of 1978 provided for the development of regulations to require the purchase of electricity by any utility from cogenerators of electricity and small power producers (such as waste-to-energy facilities). The regulations established guidelines for state regulatory authorities to set rates for the purchase of the electricity. The Florida Public Service Commission (PSC) is the state authority charged with establishing these rates under s. 366.05(9), F.S.. The rates established by the PSC for electricity from public waste-to-energy facilities and cogenerators are based on the avoided cost to utilities for electric generating facilities that the utilities do not have to
construct because of the additional electricity produced by waste-to-energy facilities and cogenerators.

Recently, local governments have expressed concerns about the rates paid for electricity that is generated by waste-to-energy facilities they operate. In a report entitled Fair Electrical Pricing Study for Florida Resource Recovery Facilities (which was funded by ten local governments in Florida which operate waste-to-energy facilities), it was argued that the rates paid for the electricity generated by public waste-to-energy facilities are too low and are not fair prices for the electricity generated. The authors of the report contend, among other things, that local governments which operate waste-to-energy facilities are paying more than twice as much to purchase electricity as they are paid to produce electricity. One of the authors' primary recommendations is that rates be established for electricity from waste-to-energy facilities that are consistent with a utility's average retail electric rate or that a minimum "floor" price be paid for such electricity.

The Public Service Commission, in a response to the fair pricing report, has indicated that electric ratepayers should not be required to pay for the disposal of solid waste by waste-to-energy facilities and that any additional payment to these facilities beyond "fully avoided cost" would result in ratepayers subsidizing the disposal of solid waste. The commission stated in its response that "increasing the rates paid by electric utility customers in order to subsidize the disposal of solid waste is not within the purview of the commission ... rather this would be a legislative policy decision."

The commission has suggested that legislation be enacted to promote the development of waste-to-energy facilities and keep electric rates reasonable by: (1) allowing the commission to distinguish between rates paid for electricity from public waste-to-energy facilities and other cogenerators; (2) exempting waste-to-energy facilities from risk factors used in determining avoided costs; (3) allowing level payments of capacity and energy costs; and (4) encouraging the renegotiation of existing contracts for electricity from waste-to-energy facilities.

Solid waste management options

Although Florida law encourages the state and local governments to provide for recycling, the traditional reliance on landfills and the increased use of waste-to-energy facilities for disposal of solid waste have led to limited development of programs for recycling and reducing solid waste amounts prior to processing or disposal. There has not been a statewide focus on recycling of solid waste and reducing the amount of solid waste which ultimately must be disposed.

Several studies have reported the potential environmental and financial benefits of recycling and solid waste reduction. According to a 1987 paper by the Worldwatch Institute entitled Mining Urban Wastes: The Potential For Recycling, the
environmental benefits derived from substituting secondary (recycled) materials for virgin resources is as follows:

<table>
<thead>
<tr>
<th>Environmental Benefit</th>
<th>Aluminum</th>
<th>Glass</th>
<th>Paper</th>
<th>Steel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduction of:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy use</td>
<td>90-97%</td>
<td>4-32%</td>
<td>23-74%</td>
<td>47-74%</td>
</tr>
<tr>
<td>Air pollution</td>
<td>95</td>
<td>20</td>
<td>74</td>
<td>85</td>
</tr>
<tr>
<td>Water pollution</td>
<td>97</td>
<td>--</td>
<td>35</td>
<td>76</td>
</tr>
<tr>
<td>Mining wastes</td>
<td>--</td>
<td>80</td>
<td>--</td>
<td>97</td>
</tr>
<tr>
<td>Water use</td>
<td>--</td>
<td>50</td>
<td>58</td>
<td>40</td>
</tr>
</tbody>
</table>

In terms of financial benefits, a 1985 survey done by the Pennsylvania Department of Environmental Regulation showed that the cost for programs of curbside collection of recyclable material in 33 communities in Pennsylvania averaged $23.18 per ton of recycled material. The average tipping fee of the communities was $31.46 per ton, or $8.28 more than the cost of curbside collection. After adding the revenues received from selling the recycled materials to the avoided cost of disposing of the material, it was found that the recycling programs made an average profit of $26.77 per ton of recycled material.

The effectiveness of recycling and solid waste reduction programs, however, is dependent on several factors, including the cost of alternative disposal methods, participation rates, available markets for recycled materials, and rates paid for recycled materials. Fluctuations in the price paid for a recycled material are common. Markets for recycled materials may not be available within a reasonable distance from where the materials are collected.

If recycling rates are to be increased in Florida, efforts should be made to enhance public and private markets for recycled materials and products made from recycled materials. Government procurement procedures could be revised to encourage purchase of materials with recycled content. According to a 1980 report prepared by the DER entitled The Procurement of Products Containing Recycled Materials, the estimated annual expenditure by the state in 1980 for products that potentially could contain recycled material was over $43 million. In addition, a price preference could be provided to contract bidders providing materials with some recycled content.

Private markets could be enhanced through the use of tax refunds or credits for using recycled material in manufacturing processes or for exporting recycled material to processing facilities in other states. Economic development programs of the state could be used to determine the marketability of recycled materials and encourage the siting in Florida of businesses that use recycled materials in manufacturing processes.

Finally, public awareness of the need for recycling, solid waste reduction, and proper solid waste management should be increased. State and local programs of public education on solid waste management should be developed.
B. Effect of Proposed Changes:

Short title, legislative intent, powers and duties of the Department of Environmental Regulation, and definitions

The bill substantially amends the Florida Resource Recovery and Management Act (part IV, chapter 403, F.S.). The legislative intent of the act is amended to require safe, proper, and environmentally sound solid waste management rather than just resource recovery and management. Intent language is added to ensure that solid waste reduction, recycling, and public education on waste reduction and recycling are given consideration in solid waste management programs and to encourage the use of private enterprise in carrying out solid waste management functions.

The bill amends the powers and duties of the DER to place greater emphasis on solid waste reduction and recycling. The bill also deletes several statutory references and guidelines for the classification of landfills and provides DER with the authority to develop rules for classification of landfills.

The bill amends several existing definitions relating to solid waste and resource recovery. The bill adds definitions of municipal solid waste, recovered material, recyclable material, transfer station, special wastes, clean debris, solid waste processing, sludge, white goods, free liquid waste, and pathogenic waste.

Disposal of ash from solid waste management facilities that burn solid waste

The bill provides that ash from solid waste management facilities that burn solid waste should be disposed of according to rules developed by the DER. DER rulemaking is to be initiated by February 1, 1989. The DER also is required to work with solid waste management facilities that burn solid waste to identify and develop ways to recycle ash.

Full cost accounting

The bill provides that within one year of the effective date of the act, local governments are to determine the full cost incurred by the local government for solid waste management and develop a system to inform their residents of the full cost. After four years, local governments are required to ensure that the rates charged to their residents for solid waste management reflect the full cost for solid waste management. The calculation of the full cost would include revenues received from recycling programs and the sale of energy. This would ensure that solid waste management customers are aware of and paying for the full cost for solid waste management.

The bill also allows counties and municipalities to charge tipping fees that, in addition to other factors, may vary based on the amount, type, and characteristics of recyclable materials.
contained in solid waste brought to landfills or waste-to-energy facilities for disposal or processing.

The bill allows counties and municipalities to assess fees in addition to tipping fees to help pay for local solid waste management and recycling programs.

The bill requires the county tax collector to include any solid waste management fees, assessments, or rates as a separate item on the annual county or municipal property tax bill if requested to do so by a county or municipality. The county property appraiser is required to cooperate with the tax collector in performing this function.

State solid waste management program

The bill amends existing law which requires the development of a state solid waste management program. The bill requires the DER to develop a state solid waste management program and adopt the rules necessary to implement the program. The purposes of the program include: (1) providing for safe and orderly management of solid waste; (2) encouraging the regionalization of solid waste management programs; (3) providing planning, technical, and financial assistance to local governments and state agencies for solid waste management, recycling, and special waste management; (4) developing public awareness of and participation in programs for solid waste reduction and recycling in cooperation with other agencies and local governments; and (5) developing various technical assistance programs for determining the full cost for solid waste management, for local solid waste management, and for recycling. The DER is required to prepare an annual report on the status of solid waste management in the state.

Local solid waste management program development and review

The bill amends existing law to require all counties to develop, adopt, and implement local solid waste management programs.

The programs are to be adopted by resolution and submitted to DER for approval. For counties whose local comprehensive plans are due after March 1, 1990, the submittal dates for the programs are the same dates as for their comprehensive plans. For counties whose plans are to be submitted earlier than this date, the programs are to be submitted according to a schedule developed by DER. No program can be required to be submitted within 18 months of the effective date of the bill. Programs cannot be submitted later than 36 months after the effective date. Counties are encouraged to enter into interlocal agreements with other counties and municipalities to prepare a single local solid waste management programs for a region.

The local solid waste management programs are to be designed to achieve sufficient reduction of solid waste to meet reduction goals for municipal solid waste disposed of in a county. Each county is required to achieve, at a minimum:
(1) At least a 20 percent reduction of municipal solid waste within four years of the effective date of the bill;

(2) At least a 30 percent reduction of municipal solid waste within six years of the effective date of the bill; and

(3) At least a 35 percent reduction of municipal solid waste within eight years of the effective date of the bill.

The local solid waste management programs are to contain a county recycling program for the service area of the county. The recycling programs can be in one of several forms, depending on the waste characteristics of a particular county. The recycling programs can consist of: (1) a system of separating and collecting recyclable materials, at the site of a landfill or waste-to-energy facility, before landfilling or burning; (2) a system of separation and collection sites throughout a county for recycling; (3) curbside collection of recyclable materials, which have been separated by a homeowner or business, on a periodic basis; or (4) an alternative system of recycling that meets the requirements of the act and that is approved by the DER. In addition to yard trash, the recycling programs must involve the recycling of at least four of the following materials: glass, aluminum, steel and bimetallic materials, newsprint, office paper, corrugated paper, and plastics.

The bill allows counties to enter into written agreements or contracts with any person (including a municipality) under which that person would develop and implement the county's recycling program. Counties and municipalities may jointly develop local solid waste management and recycling programs under certain conditions. Counties are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

The local solid waste management programs are to contain a public education program on recycling and waste reduction. The programs also are to contain special waste management programs to deal with wastes that cause disposal problems. Counties are directed to work with the construction industry to develop alternative methods of disposing of construction debris.

The local solid waste management programs are to be developed under a system of county and municipal cooperation. After adoption of the programs by the counties, the programs must be ratified by more than one-half of the municipalities in a county representing more than one-half of the municipal population of the county. Adopted and ratified programs are to be submitted to the DER for approval. If the programs are not ratified, the counties are required to revise the programs to address the municipalities' concerns or provide written responses to the municipalities explaining why the program was not revised. Adopted and ratified revised programs are to be submitted to the DER for approval. Revised programs that are adopted but not ratified are sent to the DER for approval along with a statement.
of objections from the municipalities which did not ratify the program.

The DER may approve the programs or disapprove the programs and return them to the appropriate counties for revision. If the programs are disapproved, the county loses eligibility for grants from the Solid Waste Management Trust Fund until the program is approved.

If a county does not develop, adopt, and implement a local solid waste management program, the county loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from the DER for any other purpose withheld.

**Municipal recycling programs**

The bill requires municipalities of 5,000 or more people to develop, adopt, and implement recycling programs. The recycling programs are to be developed in the same manner as the recycling programs described under the local solid waste management programs that are to be prepared by the counties. Municipalities of less than 5,000 people do not have to develop and implement recycling programs but may do so in order to obtain grants from the Solid Waste Management Trust Fund.

The bill allows municipalities to jointly develop recycling programs with the county within which the municipality is located. Joint development of these programs can only be accomplished under a written agreement between a county and a municipality.

The bill allows municipalities to enter into written agreements or contracts with any person (including a county) under which that person would develop and implement the municipality's recycling program. Municipalities are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

Municipal recycling programs developed and adopted independently of county local solid waste management programs would have to be approved by the DER. Programs that are disapproved by DER may be revised by the municipality. If the program is disapproved, the municipality would lose eligibility for grants from the Solid Waste Management Trust Fund until the program is approved.

If a municipality does not develop, adopt, and implement a recycling program, the municipality loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from DER for any other purpose withheld.

**Procurement of products with recycled content by government agencies; review of specifications by government agencies for using materials with recycled content; recycling of materials by state agencies and the state educational system**
The bill requires the Department of General Services to evaluate products or materials normally purchased by the state to determine if products or materials with recycled content can be purchased instead. The department is to determine how much recycled content could feasibly be contained in such products or materials. The department and other agencies are authorized to grant up to a 10 percent price preference to persons bidding on public contracts that involve the purchase of materials when such persons offer materials containing a specified amount of recycled content.

The bill requires the Department of General Services and the Department of Transportation to review their procurement and bid specifications, respectively, to ensure that recyclable materials, or products or materials with recycled content, are purchased or used when possible.

The bill requires all state agencies to establish programs for recycling waste materials generated in the course of agency operations and to use composted materials when feasible. The bill requires the Department of Education, working with the DER and the state university system, to develop guidelines for recycling within the state education system. School districts in the state are required to develop programs for recycling awareness and the Department of Education is required to develop curriculum materials for recycling in all school levels.

The bill requires the Department of Commerce to promote the expansion of the recycling industry in Florida, analyze markets for recyclable materials, and promote the development of businesses that use recyclable materials.

Permits and prohibitions

The bill amends existing law to exempt from permitting the disposal of solid waste generated by persons from their residential property or from normal farming operations on their own property. Current law allows any person to dispose of solid waste on their own property, regardless of whether it is solid waste from residential activities or disposed of on residential property. The bill would exempt persons disposing of solid waste on their own property from solid waste permitting if the environmental effects of the disposal is addressed or authorized by another permit under chapter 403 F.S., or is addressed or authorized by, or exempted from, a groundwater monitoring plan under chapter 403, F.S.

The bill amends existing law to remove the exemption from permitting for construction and demolition debris. The bill instead exempts clean debris, as defined in the bill, from permitting for disposal. The bill also allows the DER to refuse to issue a permit for a solid waste management facility to an applicant who has repeatedly violated statutes, rules, orders, or permit conditions pertaining to solid waste management facilities and who has been determined to be irresponsible by the DER. "Irresponsible" would be defined by rule by the department.
The bill would prohibit the sale or distribution in the state of convenience or fast food packaged in a polyvinyl or polystyrene foam containers after July 1, 1990. The bill also prohibits the sale, distribution, or exposure for sale of beverage containers, nonsolid food containers, or nonfood liquid containers that contain more than one type of plastic resin after July 1, 1990. Provisions are made for the review of alternative packaging materials for both these items and a extension of the date for or an exemption from these bans if the alternative materials are used in place of the banned packaging.

The bill prohibits the sale or distribution in the state of plastic containers that do not have certain molded labels indicating the type of plastic used in the container. Such labelling would make it easier to identify plastic containers which can be recycled.

The bill would prohibit water management districts from regulating solid waste disposal unless district rules for solid waste disposal are approved by the DER.

The bill prohibits the disposal in landfills of certain solid wastes after a specified date. Solid wastes prohibited include: lead-acid, mercury, and nickel-cadmium batteries (1989); used oil (1990); whole scrap tires (1992); yard trash, except in designated landfills and except where the yard trash will be used at a composting facility (1992); white goods, meaning discarded refrigerators, washing machines, and other large appliances (1992); and free liquid waste (1992). The bill requires DER to identify and assist in developing programs for disposing of these wastes prior to the prohibition dates.

Solid Waste Management Trust Fund

The bill creates the Solid Waste Management Trust Fund which is to be funded from two sources:

(1) A $1.50 solid waste management fee to be assessed on each ton (or, where solid waste is measured by volume, four cubic yards) of solid waste disposed of at a landfill or processed at a waste-to-energy facility. The fee is not assessed on disposal of process waste (ash) from a waste-to-energy facility. Preliminary estimates are that the fee will generate approximately $16.5 million.

(2) A product waste disposal fee to be assessed on the retail sales of tangible personal property in the state at a rate of 2-cents per $100. The fee is not assessed on admissions, rentals, telecommunications, or utilities. Preliminary estimates are that the fee will generate approximately $23 million.

The bill provides for allocation of the trust fund money for grants in the following manner:
At least 40 percent to counties and municipalities to pay 50 percent of the costs to develop and implement, or contract with other persons to develop and implement, recycling programs, including the purchase of capital equipment for recycling (local governments could receive grants for future expenses incurred under an existing recycling program);

At least 20 percent to counties to pay 50 percent of the costs to develop and implement local solid waste management programs, including studies, analyses, composting programs, and problem waste management programs;

No more than 25 percent to local governments to pay 50 percent of the cost of closing, monitoring, and making improvements to existing landfills (priority in grants is to be given to local governments under consent orders to close their landfills);

No more than 5 percent for research and development on specific issues;

No more than 10 percent on public education, model program development, technical assistance, and hazardous substance and waste reduction programs;

No more than 5 percent to other state agencies to perform their duties required by the act; and

No more than $3,000,000 per year is to be used to provide refunds to businesses in the state that use recyclable materials in their manufacturing processes for taxes paid under the Corporate Income Tax provisions of chapter 220, F.S.

Hazardous substance reduction and waste reduction and elimination assistance program

The bill requires the DER to establish an assistance program to help businesses, industries, and other persons in reducing the volume and toxicity of hazardous waste produced and reducing the volume of hazardous substances used in Florida.

Interlocal agreements; regional solid waste management

The bill amends existing law to provide better control over the amounts of solid waste disposed of in a particular region or county by allowing counties to designate solid waste management facilities for the handling of waste from municipalities except where a municipality is using an existing, permitted solid waste management facility. The bill provides that a county's designation of a facility and the approval of such designation by DER as part of the county's local solid waste management program shall be upheld unless the municipality demonstrates that the designation would pose a higher financial burden on the citizens of a municipality than it would on the citizens in the unincorporated part of the county. The bill also allows a
municipality to use a facility solely for recycling other than the one designated by a county.

The bill also allows the use of eminent domain powers where expressly authorized under an interlocal agreement and extends sovereign immunity where expressly authorized by an interlocal agreement. The interlocal agreement would have to be formed by local governments for these powers to apply.

University Solid and Hazardous Waste Management Research

The bill requires the state Board of Regents, through the Office of the Chancellor, to coordinate state university research and information dissemination on solid and hazardous waste management research. The Chancellor would be required to appoint an advisory council to oversee the coordination of research activities. The Board of Regents also would be responsible for designating a state university or universities to conduct a one-year study of the commercial packaging of products and its effects on solid waste management and litter control.

Used oil

The bill amends several sections of existing law relating to programs for recycling and reuse of used oil and creates several new sections of law to provide for: (1) the development of used oil collection centers; (2) the development of a grants program to local governments to encourage collection, reuse, and proper disposal of used oil; (3) the development of a statewide incentives program to encourage the return of used oil to used oil collection centers; (4) the establishment of standards, requirements, and procedures for used oil transporters and recyclers; (5) the certification of used oil transporters; and (6) the permitting of used oil recycling facilities.

Restrictions on Beverage Containers

The bill provides that after July 1, 1989, no beverage containers shall be sold in Florida if they have detachable metal rings or tabs or if they are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable. These restrictions are to be jointly enforced by the Department of Agriculture and Consumer Services and the Department of Business Regulation as part of their normal inspection programs.

Pricing of electricity generated by public waste-to-energy facilities

The bill amends s. 377.709, Florida Statutes, which deals with advanced funding of local government waste-to-energy facilities by electric utilities. This section of the bill was developed by the Public Service Commission (PSC) to address the issue of prices paid to public waste-to-energy facilities for electricity generated by those facilities. This provision of the bill would:
(1) Allow the PSC to make a distinction between prices paid by utilities for electricity from public waste-to-energy facilities and from other cogenerators. The bill would authorize the PSC to exempt public waste-to-energy facilities from risk factors used in determining avoided capacity costs and allow level payments of capacity and energy costs; and

(2) Encourage the renegotiation of existing contracts between electric utilities and public waste-to-energy facilities.

Statewide Litter Program

The bill creates a statewide litter prevention program under the direction of a Clean Florida Commission within the Department of Transportation. The commission is to serve as the coordinating body for the statewide program, which is to involve various levels of government, local organizations, and other members of the public. The responsibilities of the commission include: (1) development of a highly visible anti-litter campaign focusing on persons who repeatedly litter; (2) conducting an ongoing public education program on litter prevention; (3) providing grants to local governments and nonprofit organizations to implement litter prevention programs; and (4) preparing an annual report to the Governor and the Legislature on the implementation of the litter prevention program. The bill provides for state financial assistance for the establishment of a nonprofit organization called "Keep Florida Beautiful."

Solid Waste Control and Recycling Investment Tax Incentive

The bill provides an exemption from the state sales and use tax for machinery, equipment, pollution control devices, vehicles, facilities (including real and personal property), and purchased power used in collection, processing, recycling, composting, compounding, or remanufacture of solid waste or solid waste products. The exemption would sunset eight years from the effective date of the bill.

License Tax to Reimburse Costs for Towing, Storing, and Disposing of Abandoned Vehicles

The bill provides that an annual license tax of $2.00 is to be imposed upon the registration or renewal of registration of a motor vehicle. The proceeds from the tax are to be deposited in the State Transportation Trust Fund to reimburse persons who tow, store, and dispose of abandoned or unclaimed wrecked vehicles for costs incurred in handling the vehicles.

Biohazardous Waste

The bill establishes definitions, general standards, and agency responsibilities for the management of biohazardous waste. Biohazardous waste is generally defined as any solid or liquid waste that may present the threat of infection to humans. Examples of biohazardous waste are provided in the bill in the
definition of biohazardous waste, which replaces the definition of infectious waste in s. 395.002(13)(c), F.S.

The Department of Health and Rehabilitative Services (DHRS) is given the responsibility of regulating the packaging, storage, and treatment of biohazardous waste at facilities which generate such waste. The DHRS is required to develop rules to carry out this responsibility. The DER is given the responsibility of regulating the transport and disposal or incineration of biohazardous waste from the point where the waste leaves the facility where it is generated. Both agencies are required to enter into an interagency agreement to ensure that biohazardous waste is properly managed.

The bill provides for the enforcement of biohazardous waste laws and rules under the public health protection authority of the DHRS in s. 381.031, F.S. Persons violating biohazardous waste laws or rules would be subject to existing penalties and administrative fines that may be imposed by the DHRS under the provisions of ss. 381.112 and 381.411, F.S., except that maximum fines for each day's violation may be increased from $500 to $2,500 per day.

C. Section by Section Analysis:

Section 1 -- Amends s. 403.701, F.S., to change the short title of the Florida Resource Recovery and Management Act to the Florida Solid Waste Management Act.

Section 2 -- Amends s. 403.702, F.S., to amend the legislative findings of the Florida Resource Recovery and Management Act.

Section 3 -- Amends s. 403.703, F.S., to change existing definitions and add new definitions relating to solid waste management.

Section 4 -- Amends s. 316.003(69), F.S., to correct references.

Section 5 -- Amends s. 319.30, F.S., to correct references.

Section 6 -- Amends s. 403.704, F.S., to change existing powers and duties and add new powers and duties of the Department of Environmental Regulation for solid waste management;

Section 7 -- Amends s. 403.7045, F.S., to provide that the disposal of pathogenic wastes shall be regulated pursuant to methods authorized by the Department of Environmental Regulation; requires disposal of ash from solid waste management facilities which burn solid waste according to rules developed by DER for such disposal; requires rulemaking to be initiated by February 1, 1989.

Section 8 -- Creates s. 403.7049, to require local governments to determine the full cost for solid waste management; requires establishment of a system to inform solid waste management
customers of the full cost for solid waste management; requires local governments, within four years of the effective date of the bill, to ensure that rates charged for solid waste management include the full cost; authorizes local governments to charge varying disposal fees for disposal of unrecycled solid waste; authorizes local governments to impose fees for solid waste disposal to fund solid waste management and recycling programs.

Section 9 -- Amends s. 403.705, F.S., to require the Department of Environmental Regulation to develop a state solid waste management program and implementing rules; substantially amends existing law on the purpose of the state resource recovery and management program.

Section 10 -- Amends s. 403.706, F.S., to require counties to develop, adopt, and implement local solid waste management programs; establishes the required content of the programs, including a recycling program, a public education program, and a special waste management program; allows development of a local solid waste management program for a region by interlocal agreement; allows joint development of recycling and solid waste management programs; requires municipalities to use solid waste management facilities designated by a county except under certain circumstances.

Section 11 -- Creates s. 403.7061, F.S., to provide procedures for development and adoption of local solid waste management programs.

Section 12 -- Creates s. 403.7063, F.S., to provide procedures and criteria for review and approval of local solid waste management programs by the Department of Environmental Regulation; provides penalties.

Section 13 -- Creates s. 403.7064, F.S., to require municipalities to develop, adopt, and implement recycling programs; establishes the required content of the programs; provides for joint development of recycling programs by municipalities and counties; provides penalties.

Section 14 -- Amends s. 403.7065, F.S., to provide for state agency procurement of products or materials with recycled content.

Section 15 -- Creates s. 403.7068, F.S., to authorize the Department of Environmental Regulation to request the State Treasurer to withhold funds provided by the department to counties and municipalities for failure to develop, adopt, and implement local solid waste management and recycling programs.

Section 16 -- Amends s. 403.707, F.S., to limit the exemption from solid waste permitting to disposal onsite of solid waste generated on residential property or from normal farming operations; allows an exemption from solid waste permitting for disposal activities permitted under other provisions of chapter 403, F.S.; deletes the exemption from solid waste permitting for
construction and demolition debris; allows an exemption from permitting for disposal of clean debris as defined in the bill; authorizes the Department of Environmental Regulation to refuse to issue a solid waste disposal permit to applicants with a history of violating statutes, rules, orders, or permit conditions relating to any solid waste management facility and who is determined to be irresponsible by the DER; requires DER to define "irresponsible" by rule.

Section 17 -- Amends s. 403.708, F.S., to prohibit disposal of certain solid wastes in landfills after specified dates.

Section 18 -- Amends s. 403.709, F.S., to establish a Solid Waste Management Trust Fund; provides for disbursement of monies in the trust fund; establishes a solid waste management fee to be imposed on solid waste disposed of at certain solid waste management facilities; establishes a product waste disposal fee to be assessed on the retail sales of tangible personal property in the state; provides exemptions from the product waste disposal fee.

Section 19 -- Amends s. 403.714, F.S., to require recycling and solid waste reduction by state agencies.

Section 20 -- Creates s. 403.7223, F.S., to establish a state assistance program for hazardous substance reduction and waste elimination and reduction.

Section 21 -- Amends s. 163.01, F.S., to allow the use of eminent domain powers by public agencies formed by an interlocal agreement among counties and municipalities; extends sovereign immunity to public agencies formed by an interlocal agreement among counties and municipalities.

Section 22 -- Creates s. 287.05, F.S., to require the Department of General Services (DGS) to review and revise its specifications to increase the purchase and use of recycled materials; requires the DGS to determine the feasibility of procuring certain products or materials with recycled content and to establish minimum amounts of recycled content for such products and materials; authorizes the DGS and other agencies to offer a 10 percent price preference for procurement of products or materials with specified amounts of recycled content.

Section 23 -- Amends s. 288.03, F.S., to require the Department of Commerce to promote and encourage markets for and the expansion of the recycling industry in Florida.

Section 24 -- Amends s. 337.02, F.S., to require the Department of Transportation to review and revise its bid procedures and specifications to increase the purchase and use of recycled materials.

Section 25 -- Requires the Board of Regents, through the Office of the Chancellor, to coordinate state university research and information dissemination on solid and hazardous waste.
management; requires a one-year study of commercial product packaging.

Sections 26 to 33 -- Amend ss. 403.75, 403.751, 403.753, 403.754, 403.7545, 403.757, 403.758, and 403.759, F.S., relating to the recycling and reuse of used oil.

Section 34 to 39 -- Create ss. 403.760, 403.761, 403.763, 403.765, 403.767, and 403.769, F.S., relating to the recycling and reuse of used oil.

Section 40 -- Provides that no beverage containers may be sold that are sealed with detachable metal tabs or that are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable; provides definitions; provides an effective date of July 1, 1989, for these restrictions; requires the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation and the Department of Agriculture and Consumer Services to coordinate the enforcement of beverage container restrictions; provides fines for violations of the restrictions.

Section 41 -- Amends s. 377.709, F.S., to provide for the establishment of an electric energy pricing program for prices paid for electricity generated by public waste-to-energy facilities.

Section 42 -- Provides for the establishment of a statewide litter prevention program; provides legislative intent; establishes the Clean Florida Commission within the Department of Transportation; provides powers and duties of the commission.

Section 43 -- Creates s. 381.80, F.S., to require the Department of Health and Rehabilitative Services (DHRS) to regulate the packaging, storage, and treatment of biohazardous waste; requires the DER to regulate the transport, disposal, and incineration of biohazardous waste; provides definitions; requires the DHRS to adopt rules for the regulation of biohazardous waste; provides penalties and enforcement powers for violations of this section.

Section 44 -- Amends s. 395.002(13)(c), F.S., to replace an existing definition of infectious waste with a definition of biohazardous waste.

Section 45 -- Amends s. 395.0101, F.S., to correct references.

Section 46 -- Provides for an exemption from the state sales and use tax for the purchase of equipment, facilities, purchased power, and other items that are used for solid waste management and recycling; provides a sunset for the exemption.

Section 47 -- Provides that state agencies and local governments should use the most cost-effective means for providing solid waste management services; encourages agencies and local governments to use private enterprise for such services where it is more cost effective.
Section 48 -- Creates s. 320.0802, F.S., to levy an annual license tax of $2.00 on the registration or renewal of registration of vehicles; requires that revenue collected from the tax be deposited in the State Transportation Trust Fund.

Section 49 -- Amends s. 320.20, F.S., to provide that $2.00 of each license tax paid on the registration or reregistration of a motor vehicle that is deposited in the State Transportation Trust Fund be used to pay the cost of towing, storing, and disposing of abandoned vehicles.

Section 50 -- Amends s. 339.08, F.S., to authorize the expenditure of moneys in the State Transportation Trust Fund to reimburse owners and operators of motor vehicle towing and storage businesses for their costs of towing, storing, and disposing of unclaimed, wrecked, inoperable vehicles.

Section 51 -- Amends s. 713.78, F.S., to allow the owner or operator of a storage space to dispose of unclaimed vehicles if the vehicles are wrecked, inoperable, and of little or no salvage value; requires the owner or operator to attempt to sell the vehicle before disposal; authorizes the owner or operator of a storage place to apply for reimbursement from the State Transportation Trust Fund for costs incurred in towing, storing, and disposing of unclaimed, wrecked, inoperable vehicles.

Section 52 -- Provides appropriations.

Section 53 -- Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

For the 8 months of F.Y. 1988-89, the estimates yield the following results:

<table>
<thead>
<tr>
<th>SOLID WASTE MANAGEMENT TRUST FUND</th>
<th>$ MILLIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tipping Fees for Landfills..........</td>
<td>12.9</td>
</tr>
<tr>
<td>Solid Waste Disposal Fee...........</td>
<td>13.9</td>
</tr>
<tr>
<td>Corporate Refund..................</td>
<td>(3.0)</td>
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<td>TOTAL...........................</td>
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<thead>
<tr>
<th>STATE TRANSPORTATION TRUST FUND</th>
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<tr>
<td>Motor Vehicle License Fee ($2.00)</td>
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<table>
<thead>
<tr>
<th>GENERAL REVENUE FUND</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Sales Tax Exemption...............</td>
<td>(14.7)</td>
</tr>
</tbody>
</table>

STANDARD FORM 10-30-87
2. Recurring or Annualized Continuation Effects:

On an annualized basis, the following revenues are estimated:

**SOLID WASTE MANAGEMENT TRUST FUND:**

<table>
<thead>
<tr>
<th>Description</th>
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<tr>
<td>Tipping Fees for Landfills</td>
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<td><strong>TOTAL</strong></td>
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**STATE TRANSPORTATION TRUST FUND:**

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**GENERAL REVENUE FUND:**

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<th>Description</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Sales Tax Exemption</td>
<td>22.1</td>
</tr>
</tbody>
</table>

3. Long Run Effects Other Than Normal Growth:

The tipping fee and the solid waste disposal fee are repealed in eight years.

4. Appropriations Consequences:

No appropriations have been provided for most of the administrative burdens of various departments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

For the 8 months of S.Y. 1988-89, the sales tax exemption is estimated to reduce the local governments' sales tax share by ($1.6 m).

2. Recurring or Annualized Continuation Effects:

Section 8. authorizes local governments to charge varying disposal fees for the disposal of unrecycled solid waste.

The exemption from the sales tax for equipment and property used in recycling is likely to reduce the local governments' share of sales tax revenues by ($2.3 m).

3. Long Run Effects Other Than Normal Growth:
C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

(1) Solid waste collection and disposal rates may increase when local governments begin charging customers the actual total cost for solid waste collection and disposal four years from the effective date of the bill. The increase in rates should be offset by reductions in the use of other revenue sources to pay for solid waste management and an increase in the avoided cost of disposal.

(2) The public may be required to pay part of the cost for new or expanded recycling and solid waste reduction services provided by local governments. Part of the costs for these programs should be offset by funds from the Solid Waste Management Trust Fund, revenues from the sale of recycled materials, and increased avoided costs of disposal of solid waste.

(3) The public may be required to pay indirectly for the solid waste disposal fee of $1.50 per ton of waste disposed if the fee is passed on to the public as part of normal solid waste collection and disposal service.

(4) Private industry will be affected by the product waste disposal fee. For example, if a retail business generated $10 million in sales per year, the annual amount of fees collected would be $2,000 or $167 per month.

(5) The beverage industry may experience a slight cost increase due to the container restrictions on metal detachable tabs and container connectors. Since most beverage containers are already manufactured with nondetachable tabs and the price of degradable container connectors is not much higher than nondegradable connectors, the conversion costs should be minimal.

(6) The plastic container industry and the foam packaging industry will probably be negatively affected by the bans on certain types of materials and the labelling requirements for plastic containers provided for in the bill. Businesses which sell products packaged in these types of materials may experience cost increases if the replacement materials for the banned materials are more expensive to use.

(7) Electric ratepayers may be required to pay an additional amount for electric service if the Public Service Commission establishes rates which would allow local governments operating public waste-to-energy facilities to receive an increase in the rates paid for electricity generated by the facilities. However, solid waste management service customers may see a maintenance of or reduction in current solid waste disposal costs if higher rates are authorized.
(8) The public would be affected by having to pay an additional $2.00 per vehicle registration or registration renewal to reimburse persons who tow, store, or dispose of abandoned vehicles.

2. **Direct Private Sector Benefits:**

The public should benefit from the programs in the bill through reduced energy costs from increased recycling; protection of natural resources from unnecessary consumption because of increased recycling; lower overall costs for disposing of solid waste because of the reduction in the amount of waste that must be disposed; protection of drinking water and the environment because of the prohibition of problem wastes from landfills; and a decreased need to use valuable land for solid waste disposal areas.

3. **Effects on Competition, Private Enterprise, and Employment Markets:**

Indeterminate

D. **FISCAL COMMENTS:**

1. The Committee on Community Affairs is working on a bill dealing with special assessments as provided in Section 8 of the bill. Their recommendations should be considered for any solid waste fees which are to be included on the property tax notice.

2. The corporate credit provided in s. 403.709(6) (p. 74-75) restricts the refunds to only profitable corporations. A grant program would allow every business, whether incorporated or not, whether profitable or not, to participate.

3. For the product waste disposal fee (s. 403.709(4), p. 74) the administrative procedures need to be clarified.

4. The sales tax exemption in section 46 (p. 109) is overly broad and may lend itself to abuse. A grant program may achieve the same purpose but can be controlled more tightly.

IV. **COMMENTS:**

None.

V. **AMENDMENTS:**

A1 Imposes a 2 cent/per $100 product waste disposal fee on all retail sales of tangible personal property to be deposited in the Solid Waste Management Trust Fund. The Department of

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Revenue will administer the fee in the same manner as the sales tax.

A1 Repeals the product waste disposal fee on October 1, 1996.

A2 Exempts retail sales of electricity from the fee.

A3 Exempts groceries, drugs and newspapers from the fee.

A Title

A Technical: repeals the product waste disposal fee currently in the bill.

A Title

A9 Prohibits local governments from adopting or enforcing regulations that discriminate against privately owned solid waste management facilities, except as they relate to the control of solid waste.

A10 Deletes from the duties of the Department of Commerce the promotion of the recycling industry and replaces it with provisions that require the department to assist the industry and to prepare an annual report on the industry.

A11 Title amendment

A12 Deletes the requirement that the local governments' solid waste rates shall be equal to the full cost for solid waste management with four years.

A13 Title amendment

A14 Rewrites a sales tax exemption for machinery, equipment and materials used to control or recycle solid waste. It provides for such an exemption if such items are used exclusively for the processing, compounding, composting, combustion or remanufacture of solid waste or solid waste products. It requires an affidavit by the purchaser.

A15 Requires that the exempt items are not only necessary but also an integral part in the processing, etc. of solid waste.

A16 Narrows the exemption for items used for combustion to combustion for the recycling of secondary materials.

A17 Clarifies that the tipping fee shall be an add-on to any other charge.

A18 Specifies the definition of treatment of biohazardous waste.

A17 Exempts solid waste deposited at waste-to-energy facilities from the $1.50 tipping fee.

A18 Technical amendment
A19 Technical amendment.

A20 Includes biohazardous waste in the definition of pathogenic waste.

A21 Technical amendment.

A22 Requires retail stores selling lead-acid batteries to accept used ones as trade-ins.

A23 The Department of Environmental Regulation may authorize a matching grant to counties for projects deemed to further substantially the recycling goals set out in the bill, even if the counties' plan has not been approved.

A24 Provides a formula for the distribution of the grants available to local governments funded by the tipping fees and the solid waste disposal fee:

1. 25% of the funds are to be distributed equally among the 67 counties.

2. 75% of the funds are to be distributed based on population.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by: Staff Director:

FINANCE & TAXATION:
Prepared by: Staff Director:

APPROPRIATIONS:
Prepared by: Staff Director:
BILL #: CS/HB 1487

RELATING TO: Solid waste management

SPONSOR(S): Natural Resources and Representative Martin

EFFECTIVE DATE: October 1, 1988

COMPANION BILLS: SB 942 (Similar)

OTHER COMMITTEES OF REFERENCE: (1) Appropriations
(2) Appropriations

I. SUMMARY OF BILL AS INTRODUCED:

A. Present Situation:

Solid Waste Management Problems and Costs

The mismanagement of solid waste can create serious problems for Florida's environment and for the health of the citizens of the state. Solid waste that is poorly managed can cause contamination of groundwater and surface waters; allow migration of landfill gases; create wind-blown litter and debris; require more land than would otherwise be needed for disposal; and require the expenditure of millions of dollars for remedial cleanup. Increased generation of solid waste, from both a growing population and the increased use of disposable materials, can magnify the adverse effects of the mismanagement of solid waste as well as consume valuable natural resources.

Environmental and public health problems caused by the mismanagement of solid waste are beginning to appear in Florida and nationwide. According to a 1985 report on solid waste landfill closure prepared by the University of Florida, 40 sites on the Florida Hazardous Waste Sites List are or were solid waste landfills. A draft document from the Department of Environmental Regulation reports that 25 percent of the sites on the federal Superfund Cleanup List are old, leaking landfills. A 1987 draft study prepared by the University of Florida for the South Florida Water Management District found that there are

1Section 403.703(9), Florida Statutes, defines solid waste as "sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations."
approximately 3,500 acres of leaking landfills in south Florida that are releasing approximately two million gallons of concentrated leachate per day that could contaminate groundwater supplies.

Disposal of certain problem wastes or other wastes that are difficult to manage has increased the potential for environmental damage and increased the cost for disposal. These wastes (and the amounts generated per year according to a draft document provided by the DER) include:

-- Lead acid batteries (3 to 4 million). These batteries (batteries from motor vehicles) are often buried in landfills and burned in waste-to-energy facilities when recycling is not cost feasible. Contamination of water supplies from lead and acid, and emissions and ash containing high levels of lead, may result from this practice.

-- Discarded tires (15 million). Discarded tires consume excessive volumes of landfill space and may not completely burn in an incinerator. Discarded piles of tires can serve as breeding grounds for mosquitos and can be a fire hazard.

-- Discarded white goods (1 to 2 million). These items, such as old refrigerators, stoves, etc., often end up being illegally dumped or illegally disposed of because of the volume of landfill space they consume and the difficulty in processing such goods for disposal or burning.

-- Used oil (8 to 9 million gallons unaccounted for each year). Used oil that is unaccounted for most likely is disposed of illegally. The used oil can be hazardous depending upon the substances it contains.

-- Infectious, pathogenic, or biohazardous waste that is not properly disposed of may pose a potential health threat to the public through contamination of water supplies or by direct contact. Such waste may also pose a health threat to solid waste management workers from handling improperly treated waste.

-- Construction and demolition debris, which is exempt from permitting in Florida, may contain potentially harmful wastes such as paints and solvents. Construction and demolition debris dumps tend to attract illegal or potentially harmful wastes and can create disposal problems for local governments.

The costs to government and the public for providing proper management of solid waste are substantial. A 1986 report by the DER entitled Report on the Potential for Solid Waste Management Grants estimated the average cost for solid waste management in Florida in 1985 to be $20.01 per ton, or an estimated total statewide cost in 1985 of more than $250 million. In many instances, these costs are not fully borne by the persons receiving the solid waste management service. Of the 58 counties responding to survey questions from the DER relating to solid waste management financing, 19 indicated that their solid waste disposal costs were met completely by tipping fees; 13 met disposal costs with ad valorem revenues or general fund monies; and 1 met disposal costs with user fees. The remaining 25 counties used some combination of these revenue sources along with federal revenue sharing funds and state funds to meet solid waste disposal costs. Experts believe that people will not have the incentive to reduce the amount of waste they dispose of if they are unaware of what it actually costs them for solid waste collection and disposal.
To meet stringent state requirements for construction of landfills in Florida, most new landfills must have liners and leachate, stormwater, and landfill gas controls. New landfill construction costs in 1985 were estimated by the DER to average $73,500 per acre. Costs may vary depending on the characteristics of a landfill site. For example, the DER reports that the landfill construction cost for a site in Palm Beach County is estimated at $400,000 per acre.

Landfill closure rules adopted in 1985 require that full landfills be properly closed using methods for controlling infiltration of rainwater and controlling stormwater runoff, leachate, and landfill gas. Based on 1985 information, the DER has estimated that the average initial costs for closure of landfills in Florida range from $65,000 to $150,000 per acre.

The estimated cost of constructing a waste-to-energy facility is approximately $100,000 per design ton. Using this estimate, the proposed 3,000 ton per day facility being considered by Jacksonville could cost $300 million to construct.

The high costs incurred for solid waste management are prompting some local governments to examine the option of forming regional organizations for solid waste management. Although regionalization of solid waste management responsibilities appears attractive, questions have been raised about (1) the financial capability of regional organizations; (2) the ability of regional organizations to site solid waste management facilities; (3) the ability of regional organizations to control the flow of solid waste in a region; and (4) the potential liability for problems with regional facilities.

Littering of Florida's highways, beaches, and recreational areas continues to require significant state expenditures and labor for cleanup. In FY 1986-1987, the Florida Department of Transportation (DOT) collected 67,182 cubic yards of litter at a cost of $3.26 million. This represents an increase from FY 1985-1986 of 17,000 cubic yards of litter collected and an increase in litter collection costs of almost $500,000. According to a recently released litter survey by the DOT, the amount of litter per lane-mile of highway has more than doubled from FY 1976-1977 to FY 1986-1987.

### Solid Waste Generation and Disposal

The Department of Environmental Regulation has provided a draft document that shows the average solid waste generation rate in Florida to be slightly more than seven pounds of solid waste per day per person. Statewide, approximately 44,500 tons per day or 16.3 million tons per year of solid waste are generated. By the year 2000, it is projected that nearly twice the amount of solid waste generated today, or 30 million tons, will be generated.

The composition of solid waste disposed of in Florida varies throughout the state. According to a recent report by the Research Center for Waste Utilization at the Florida Institute of Technology and correspondence from the Pinellas County Solid Waste Management Division, the composition of solid waste in Brevard County and Pinellas County is as follows:

<table>
<thead>
<tr>
<th>Waste Component</th>
<th>Brevard</th>
<th>Pinellas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper</td>
<td>37%</td>
<td>30%</td>
</tr>
<tr>
<td>Cardboard</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>Plastics</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Cloth</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>
According to a draft DER document, the ratio of disposal practices for solid waste generated in Florida is about 65 percent landfill, 25 percent incineration or waste-to-energy, and 10 percent recycling or other method. The DER's estimation of recycling in Florida is based on a 1980 survey of the recycling industry. The department is currently updating this survey to determine the present rate of recycling in the state.

There are currently about 170 permitted landfills in the state. In 1975, there were over 500 permitted landfills. A reduction in the number of permitted landfills in the state is expected as costs for construction and closure rise and the siting of landfills becomes more difficult. Of the 9,400 acres of active, permitted landfills existing in 1987, 3,160 acres (or 33 percent) are scheduled to close by 1995.

There are nine operating waste-to-energy facilities in the state burning approximately 9,000 tons of solid waste per day. An additional seven facilities may be operating by 1992, bringing the state's total capacity for waste-to-energy facilities to 22,000 tons of solid waste burned per day.

The DER estimates that 10 percent of the solid waste in the state is recycled based on a 1980 survey showing that 1.1 million tons of paper, glass, and metal were recycled and consumed in Florida. There are no definitive recent figures on the recycling rate in Florida.

Current Solid Waste Management Requirements

The Florida Resource Recovery and Management Act (part IV, chapter 403, Florida Statutes), was passed by the Legislature in 1974 to "promote the application of resource recovery systems which preserve and enhance the quality of air, water, and land resources." Among other things, the act required the DER to adopt a state program for resource recovery and management by 1976 and required local governments to prepare local resource recovery and management programs by 1978. The state program was adopted by rule in 1976 (part II, chapter 17-7, Florida Administrative Code). The state resource recovery and management program primarily consists of requirements for the contents of local resource recovery and management programs submitted to the DER and guidelines on what should be in a local program.

The act was amended in 1976 to require the designation of only certain counties which were to prepare local resource recovery and management programs. Nineteen counties were designated by rule to prepare programs. All of these counties submitted programs to the DER for approval by 1981. Six counties have submitted updated programs to DER since 1981.

Since it was enacted in 1974, the Florida Resource Recovery and Management Act has been amended several times to provide additional requirements for solid and hazardous waste management. In 1980, chapter 80-302, Laws of Florida, expanded the act to add requirements for hazardous waste management. In 1983, chapter 83-310, Laws of Florida, amended several sections of the act relating to hazardous waste management and added provisions on closure of resource recovery.
and management facilities, disposal of solid waste on a person's own property, and disposal of solid waste near Class I surface waters. In 1984, chapter 84-338, Laws of Florida, amended the act to require consideration of the cost-effectiveness of landfill construction and closure methods and to allow the DER to issue variances from closure rules under certain circumstances.

In general, part IV of chapter 403, F.S., contains provisions relating to the state resource recovery and management program; local resource recovery and management programs; procurement of recovered materials by state agencies; permitting of resource recovery and management facilities; prohibitions and penalties relating to solid waste disposal; a resource recovery and management trust fund; the use of revenue bonds for development of resource recovery and management facilities; the transport of solid waste; the development of a paper recycling program by the Department of General Services; certification of resource recovery equipment for sales tax credits; and requirements relating to hazardous waste management and used oil collection and recycling.

Other actions have been taken over the past twelve years in attempts to provide for proper solid waste management and disposal. Some of these actions include:

1) Passage of the federal Resource Recovery and Conservation Act of 1976 (RCRA). Subtitle D of RCRA provided limited federal supervision of state and local solid waste management. Under Subtitle D, states were required to prepare and submit solid waste management plans to the U.S. Environmental Protection Agency (EPA).

2) Publication of the Florida Solid Waste Management Plan in 1981 in response to Subtitle D of RCRA. The plan has not been updated since its publication due to lack of funding.

3) Passage of amendments to RCRA in 1984. Most of the amendments related to hazardous waste management. The amendments did require a study by the U.S. EPA of existing federal guidelines and criteria for solid waste management and disposal facilities by November 1987. EPA has prepared a draft study of the federal guidelines and criteria. A final study is expected to be released in April 1988.

4) Adoption by the DER in 1985 of rules (part I, chapter 17-7, Florida Administrative Code) for the construction, closure, and monitoring of landfills and requirements for volume reduction plants, transfer stations, and resource recovery facilities.

There are two specific references to litter and littering in current law. Section 15.041, F.S., establishes a state litter control symbol. Section 403.413, F.S., provides a definition of litter and provides a penalty of a second degree misdemeanor for littering. Enforcement of Florida's litter law is the responsibility of law enforcement officers and designated county and city litter enforcement officers. The Department of Transportation places signs along state highways to notify drivers of litter penalties, but there is no statewide anti-litter campaign in place at this time.

Pricing of Electricity from Waste-to-Energy Facilities

The rates paid for electricity generated by public waste-to-energy facilities has been a matter of considerable debate. The federal Public Utilities Regulatory Policies Act of 1978 provided for the development of regulations to
require the purchase of electricity by any utility from cogenerators of electricity and small power producers (such as waste-to-energy facilities).

The regulations established guidelines for state regulatory authorities to set rates for the purchase of the electricity. The Florida Public Service Commission (PSC) is the state authority charged with establishing these rates under s. 366.05(9), F.S. The rates established by the PSC for electricity from public waste-to-energy facilities and cogenerators are based on the avoided cost to utilities for electric generating facilities that the utilities do not have to construct because of the additional electricity produced by waste-to-energy facilities and cogenerators.

Recently, local governments have expressed concerns about the rates paid for electricity that is generated by waste-to-energy facilities they operate. In a report entitled Fair Electrical Pricing Study for Florida Resource Recovery Facilities (which was funded by ten local governments in Florida which operate waste-to-energy facilities), it was argued that the rates paid for the electricity generated by public waste-to-energy facilities are too low and are not fair prices for the electricity generated. The authors of the report contend, among other things, that local governments which operate waste-to-energy facilities are paying more than twice as much to purchase electricity as they are paid to produce electricity. One of the authors' primary recommendations is that rates be established for electricity from waste-to-energy facilities that are consistent with a utility's average retail electric rate or that a minimum "floor" price be paid for such electricity.

The Public Service Commission, in a response to the fair pricing report, has indicated that electric ratepayers should not be required to pay for the disposal of solid waste by waste-to-energy facilities and that any additional payment to these facilities beyond "fully avoided cost" would result in ratepayers subsidizing the disposal of solid waste. The commission stated in its response that "increasing the rates paid by electric utility customers in order to subsidize the disposal of solid waste is not within the purview of the commission ... rather this would be a legislative policy decision."

The commission has suggested that legislation be enacted to promote the development of waste-to-energy facilities and keep electric rates reasonable by:

1. allowing the commission to distinguish between rates paid for electricity from public waste-to-energy facilities and other cogenerators;
2. exempting waste-to-energy facilities from risk factors used in determining avoided costs;
3. allowing level payments of capacity and energy costs; and
4. encouraging the renegotiation of existing contracts for electricity from waste-to-energy facilities.

Solid waste management options

Although Florida law encourages the state and local governments to provide for recycling, the traditional reliance on landfills and the increased use of waste-to-energy facilities for disposal of solid waste have led to limited development of programs for recycling and reducing solid waste amounts prior to processing or disposal. There has not been a statewide focus on recycling of solid waste and reducing the amount of solid waste which ultimately must be disposed.

Several studies have reported the potential environmental and financial benefits of recycling and solid waste reduction. According to a 1987 paper by the Worldwatch Institute entitled Mining Urban Wastes: The Potential For Recycling,
the environmental benefits derived from substituting secondary (recycled) materials for virgin resources is as follows:

<table>
<thead>
<tr>
<th>Environmental Benefit</th>
<th>Aluminum</th>
<th>Glass</th>
<th>Paper</th>
<th>Steel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduction of:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy use</td>
<td>90-97%</td>
<td>4-32%</td>
<td>23-74%</td>
<td>47-74%</td>
</tr>
<tr>
<td>Air pollution</td>
<td>95</td>
<td>20</td>
<td>74</td>
<td>85</td>
</tr>
<tr>
<td>Water pollution</td>
<td>97</td>
<td>--</td>
<td>35</td>
<td>76</td>
</tr>
<tr>
<td>Mining wastes</td>
<td>--</td>
<td>80</td>
<td>--</td>
<td>97</td>
</tr>
<tr>
<td>Water use</td>
<td>--</td>
<td>50</td>
<td>58</td>
<td>40</td>
</tr>
</tbody>
</table>

In terms of financial benefits, a 1985 survey done by the Pennsylvania Department of Environmental Regulation showed that the cost for programs of curbside collection of recyclable material in 33 communities in Pennsylvania averaged $23.18 per ton of recycled material. The average tipping fee of the communities was $31.46 per ton, or $8.28 more than the cost of curbside collection. After adding the revenues received from selling the recycled materials to the avoided cost of disposing of the material, it was found that the recycling programs made an average profit of $26.77 per ton of recycled material.

The effectiveness of recycling and solid waste reduction programs, however, is dependent on several factors, including the cost of alternative disposal methods, participation rates, available markets for recycled materials, and rates paid for recycled materials. Fluctuations in the price paid for a recycled material are common. Markets for recycled materials may not be available within a reasonable distance from where the materials are collected.

If recycling rates are to be increased in Florida, efforts should be made to enhance public and private markets for recycled materials and products made from recycled materials. Government procurement procedures could be revised to encourage purchase of materials with recycled content. According to a 1980 report prepared by the DER entitled The Procurement of Products Containing Recycled Materials, the estimated annual expenditure by the state in 1980 for products that potentially could contain recycled material was over $43 million. In addition, a price preference could be provided to contract bidders providing materials with some recycled content.

Private markets could be enhanced through the use of grants for using recycled material in manufacturing processes or for exporting recycled material to processing facilities in other states. Economic development programs of the state could be used to determine the marketability of recycled materials and encourage the siting in Florida of businesses that use recycled materials in manufacturing processes.

Finally, public awareness of the need for recycling, solid waste reduction, and proper solid waste management should be increased. State and local programs of public education on solid waste management should be developed.
B. Effect of Proposed Changes:

Short title, legislative intent, powers and duties of the Department of Environmental Regulation, and definitions

The bill substantially amends the Florida Resource Recovery and Management Act (part IV, chapter 403, F.S.). The legislative intent of the act is amended to require safe, proper, and environmentally sound solid waste management rather than just resource recovery and management. Intent language is added to ensure that solid waste reduction, recycling, and public education on waste reduction and recycling are given consideration in solid waste management programs and to encourage the use of private enterprise in carrying out solid waste management functions.

The bill amends the powers and duties of the DER to place greater emphasis on solid waste reduction and recycling. The bill also deletes several statutory references and guidelines for the classification of landfills and provides DER with the authority to develop rules for classification of landfills.

The bill amends several existing definitions relating to solid waste and resource recovery. The bill adds definitions of municipal solid waste, recovered material, recyclable material, transfer station, special wastes, clean debris, solid waste processing, sludge, white goods, free liquid waste, and pathogenic waste.

Disposal of ash from solid waste management facilities that burn solid waste

The bill provides that ash from solid waste management facilities that burn solid waste should be disposed of according to rules developed by the DER. DER rulemaking is to be initiated by February 1, 1989. The DER also is required to work with solid waste management facilities that burn solid waste to identify and develop ways to recycle ash.

Full cost accounting

The bill provides that within one year of the effective date of the act, local governments are to determine the full cost incurred by the local government for solid waste management and develop a system to inform their residents of the full cost. After four years, local governments are required to ensure that the rates charged to their residents for solid waste management reflect the full cost for solid waste management. The calculation of the full cost would include revenues received from assessments, impact fees, recycling programs and the sale of energy. This would ensure that solid waste management customers are aware of and paying for the full cost for solid waste management.

The bill also allows counties and municipalities to charge tipping fees that, in addition to other factors, may vary based on the amount, type, and characteristics of recyclable materials contained in solid waste brought to landfills or waste-to-energy facilities for disposal or processing.

The bill also allows counties and municipalities to assess fees in addition to tipping fees to help pay for local solid waste management and recycling programs, and may include any solid waste management fees, assessments, or rates as a separate item on the annual county or municipal property tax notice.
State solid waste management program

The bill amends existing law which requires the development of a state solid waste management program. The bill requires the DER to develop a state solid waste management program and adopt the rules necessary to implement the program. The purposes of the program include: (1) providing for safe and orderly management of solid waste; (2) encouraging the regionalization of solid waste management programs; (3) providing planning, technical, and financial assistance to local governments and state agencies for solid waste management, recycling, and special waste management; (4) developing public awareness of and participation in programs for solid waste reduction and recycling in cooperation with other agencies and local governments; and (5) developing various technical assistance programs for determining the full cost for solid waste management, for local solid waste management, and for recycling. The DER is required to prepare an annual report on the status of solid waste management in the state.

Local solid waste management program development and review

The bill amends existing law to require all counties to develop, adopt, and implement local solid waste management programs.

The programs are to be adopted by resolution and submitted to DER for approval. For counties whose local comprehensive plans are due after March 1, 1990, the submittal dates for the programs are the same dates as for their comprehensive plans. For counties whose plans are to be submitted earlier than this date, the programs are to be submitted according to a schedule developed by DER. No program can be required to be submitted within 18 months of the effective date of the bill. Programs cannot be submitted later than 36 months after the effective date. Counties are encouraged to enter into interlocal agreements with other counties and municipalities to prepare a single local solid waste management programs for a region.

The local solid waste management programs are to be designed to achieve sufficient reduction of solid waste to meet reduction goals for municipal solid waste disposed of in a county. Each county is required to achieve, at a minimum:

(1) At least a 20 percent reduction of municipal solid waste within four years of the effective date of the bill;

(2) At least a 30 percent reduction of municipal solid waste within six years of the effective date of the bill; and

(3) At least a 35 percent reduction of municipal solid waste within eight years of the effective date of the bill.

DER may reduce or modify the municipal solid waste reduction goals for a county if the county can show that:

1. Achieving the goals would have an adverse effect on the ability of the county to meet its financial obligations for the facility; and

2. The county cannot remove normally combustible materials without hurting the financial viability of the facility.
The local solid waste management programs are to contain a county recycling program for the service area of the county. The recycling programs can be in one of several forms, depending on the waste characteristics of a particular county. The recycling programs can consist of: (1) a system of separating and collecting recyclable materials, at the site of a landfill or waste-to-energy facility, before landfilling or burning; (2) a system of separation and collection sites throughout a county for recycling; (3) curbside collection of recyclable materials, which have been separated by a homeowner or business, on a periodic basis; or (4) an alternative system of recycling that meets the requirements of the act and is approved by the DER. In addition to yard trash, the recycling programs must involve the recycling of at least four of the following materials: glass, aluminum, steel and bimetallic materials, newsprint, office paper, corrugated paper, and plastics.

The bill allows counties to enter into written agreements or contracts with any person (including a municipality) under which that person would develop and implement the county's recycling program. Counties and municipalities may jointly develop local solid waste management and recycling programs under certain conditions. Counties are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

The local solid waste management programs are to contain a public education program on recycling and waste reduction. The programs also are to contain special waste management programs to deal with wastes that cause disposal problems. Counties are directed to work with the construction industry to develop alternative methods of disposing of construction debris.

The local solid waste management programs are to be developed under a system of county and municipal cooperation. After adoption of the programs by the counties, the programs must be ratified by more than one-half of the municipalities in a county representing more than one-half of the municipal population of the county. Adopted and ratified programs are to be submitted to the DER for approval. If the programs are not ratified, the counties are required to revise the programs to address the municipalities' concerns or provide written responses to the municipalities explaining why the program was not revised. Adopted and ratified revised programs are to be submitted to the DER for approval. Revised programs that are adopted but not ratified are sent to the DER for approval along with a statement of objections from the municipalities which did not ratify the program.

The DER may approve the programs or disapprove the programs and return them to the appropriate counties for revision. If the programs are disapproved, the county loses eligibility for grants from the Solid Waste Management Trust Fund until the program is approved.

If a county does not develop, adopt, and implement a local solid waste management program, the county loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from the DER for any other purpose withheld.

Municipal recycling programs

The bill requires municipalities of 5,000 or more people to develop, adopt, and implement recycling programs. The recycling programs are to be developed in the same manner as the recycling programs described under the local solid waste management programs that are to be prepared by the counties. Municipalities of
less than 5,000 people do not have to develop and implement recycling programs but may do so in order to obtain grants from the Solid Waste Management Trust Fund.

The bill allows municipalities to jointly develop recycling programs with the county within which the municipality is located. Joint development of these programs can only be accomplished under a written agreement between a county and a municipality.

The bill allows municipalities to enter into written agreements or contracts with any person (including a county) under which that person would develop and implement the municipality's recycling program. Municipalities are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

Municipal recycling programs developed and adopted independently of county local solid waste management programs would have to be approved by the DER. Programs that are disapproved by DER may be revised by the municipality. If the program is disapproved, the municipality would lose eligibility for grants from the Solid Waste Management Trust Fund until the program is approved.

If a municipality does not develop, adopt, and implement a recycling program, the municipality loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from DER for any other purpose withheld.

Procurement of products with recycled content by government agencies; review of specifications by government agencies for using materials with recycled content; recycling of materials by state agencies and the state educational system

The bill requires the Department of General Services to evaluate products or materials normally purchased by the state to determine if products or materials with recycled content can be purchased instead. The department is to determine how much recycled content could feasibly be contained in such products or materials. The department and other agencies are authorized to grant up to a 10 percent price preference to persons bidding on public contracts that involve the purchase of materials when such persons offer materials containing a specified amount of recycled content.

The bill requires the Department of General Services and the Department of Transportation to review their procurement and bid specifications, respectively, to ensure that recyclable materials, or products or materials with recycled content, are purchased or used when possible.

The bill requires all state agencies to establish programs for recycling waste materials generated in the course of agency operations and to use composted materials when feasible. The bill requires the Department of Education, working with the DER and the state university system, to develop guidelines for recycling within the state education system. School districts in the state are required to develop programs for recycling awareness and the Department of Education is required to develop curriculum materials for recycling in all school levels.

The bill requires the Department of Commerce to assist the recycling industry in Florida in analyzing markets for recyclable materials, and promotion of the
development of businesses that use recyclable materials. It requires the
department to prepare an annual report on the industry.

Permits and prohibitions

The bill amends existing law to exempt from permitting the disposal of solid
waste generated by persons from their residential property or from normal
farming operations on their own property. Current law allows any person to
dispose of solid waste on their own property, regardless of whether it is solid
waste from residential activities or disposed of on residential property. The
bill would exempt persons disposing of solid waste on their own property from
solid waste permitting if the environmental effects of the disposal is addressed
or authorized by another permit under chapter 403 F.S., or is addressed or
authorized by, or exempted from, a groundwater monitoring plan under chapter
403, F.S.

The bill amends existing law to remove the exemption from permitting for
construction and demolition debris. The bill instead exempts clean debris, as
defined in the bill, from permitting for disposal. The bill also allows the DER
to refuse to issue a permit for a solid waste management facility to an
applicant who has repeatedly violated statutes, rules, orders, or permit
conditions pertaining to solid waste management facilities and who has been
determined to be irresponsible by the DER. "Irresponsible" would be defined by
rule by the department.

Local governments are prohibited from adopting or enforcing regulations that
discriminate against privately owned solid waste management facilities, except
as they relate to the control of solid waste.

The bill would prohibit the sale or distribution in the state of convenience or
fast food packaged in a polyvinyl or polystyrene foam containers after July 1,
1990. The bill also prohibits the sale, distribution, or exposure for sale of
beverage containers, nonsolid food containers, or nonfood liquid containers that
contain more than one type of plastic resin after July 1, 1990. Provisions are
made for the review of alternative packaging materials for both these items and
a extension of the date for or an exemption from these bans if the alternative
materials are used in place of the banned packaging.

The bill prohibits the sale or distribution in the state of plastic containers
that do not have certain molded labels indicating the type of plastic used in
the container. Such labelling would make it easier to identify plastic
containers which can be recycled.

The bill would prohibit water management districts from regulating solid waste
disposal unless district rules for solid waste disposal are approved by the DER.

The bill prohibits the disposal in landfills of certain solid wastes after a
specified date. Solid wastes prohibited include: lead-acid, mercury, and
nickel-cadmium batteries (1989); used oil (1990); whole scrap tires (1992); yard
trash, except in designated landfills and except where the yard trash will be
used at a composting facility (1992); white goods, meaning discarded
refrigerators, washing machines, and other large appliances (1992); and free
liquid waste (1992). The bill requires DER to identify and assist in developing
programs for disposing of these wastes prior to the prohibition dates.

Retail stores selling lead-acid batteries have to accept used ones as trade-ins.
The bill creates the Solid Waste Management Trust Fund which is to be funded from two sources:

(1) A $1.50 solid waste management fee to be assessed on each ton (or, where solid waste is measured by volume, four cubic yards) of solid waste disposed of at a landfill or processed at a waste-to-energy facility. The fee is not assessed on disposal of process waste (ash) from a waste-to-energy facility. Preliminary estimates are that the fee will generate approximately $24.5 million on an annualized basis.

(2) An employer reporting fee depending on the average number of employees reported in the previous calendar year. Preliminary estimates are that the fee will generate approximately $30.4 million.

The bill provides for allocation of the trust fund money for grants in the following manner:

(1) At least 40 percent to counties and municipalities to pay 50 percent of the costs to develop and implement, or contract with other persons to develop and implement, recycling programs, including the purchase of capital equipment for recycling (local governments could receive grants for future expenses incurred under an existing recycling program);

(2) At least 20 percent to counties to pay 50 percent of the costs to develop and implement local solid waste management programs, including studies, analyses, composting programs, and problem waste management programs;

Grants available to local governments under (1) and (2) are distributed as follows:

1. 25% of the funds are to be distributed equally among the 67 counties.
2. 75% of the funds are to be distributed based on population.

(3) No more than 25 percent to local governments to pay 50 percent of the cost of closing, monitoring, and making improvements to existing landfills (priority in grants is to be given to local governments under consent orders to close their landfills);

(4) No more than 5 percent for research and development on specific issues;

(5) No more than 10 percent on public education, model program development, technical assistance, and hazardous substance and waste reduction programs;

(6) No more than 5 percent to other state agencies to perform their duties required by the act; and

(7) No more than $3,000,000 per year is to be used to provide grants to businesses in the state that use recyclable materials in their manufacturing processes.

(8) DER may authorize a matching grant to counties for projects deemed to further substantially the recycling goals set in the bill, even if the counties' plan has not been approved.
Hazardous substance reduction and waste reduction and elimination assistance program

The bill requires the DER to establish an assistance program to help businesses, industries, and other persons in reducing the volume and toxicity of hazardous waste produced and reducing the volume of hazardous substances used in Florida.

Interlocal agreements; regional solid waste management

The bill amends existing law to provide better control over the amounts of solid waste disposed of in a particular region or county by allowing counties to designate solid waste management facilities for the handling of waste from municipalities except where a municipality is using an existing, permitted solid waste management facility. The bill provides that a county's designation of a facility and the approval of such designation by DER as part of the county's local solid waste management program shall be upheld unless the municipality demonstrates that the designation would pose a higher financial burden on the citizens of a municipality than it would on the citizens in the unincorporated part of the county. The bill also allows a municipality to use a facility solely for recycling other than the one designated by a county.

The bill also allows the use of eminent domain powers where expressly authorized under an interlocal agreement and extends sovereign immunity where expressly authorized by an interlocal agreement. The interlocal agreement would have to be formed by local governments for these powers to apply.

University Solid and Hazardous Waste Management Research

The bill requires the state Board of Regents, through the Office of the Chancellor, to coordinate state university research and information dissemination on solid and hazardous waste management research. The Chancellor would be required to appoint an advisory council to oversee the coordination of research activities. The Board of Regents also would be responsible for designating a state university or universities to conduct a one-year study of the commercial packaging of products and its effects on solid waste management and litter control.

Used oil

The bill amends several sections of existing law relating to programs for recycling and reuse of used oil and creates several new sections of law to provide for: (1) the development of used oil collection centers; (2) the development of a grants program to local governments to encourage collection, reuse, and proper disposal of used oil; (3) the development of a statewide incentives program to encourage the return of used oil to used oil collection centers; (4) the establishment of standards, requirements, and procedures for used oil transporters; (5) the certification of used oil transporters; and (6) the permitting of used oil recycling facilities.

Restrictions on Beverage Containers

The bill provides that after July 1, 1989, no beverage containers shall be sold in Florida if they have detachable metal rings or tabs or if they are connected to other beverage containers by a separate holding device that is not
biodegradable or photodegradable. These restrictions are to be jointly enforced by the Department of Agriculture and Consumer Services and the Department of Business Regulation as part of their normal inspection programs.

Pricing of electricity generated by public waste-to-energy facilities

The bill amends s. 377.709, Florida Statutes, which deals with advanced funding of local government waste-to-energy facilities by electric utilities. This section of the bill was developed by the Public Service Commission (PSC) to address the issue of prices paid to public waste-to-energy facilities for electricity generated by those facilities. This provision of the bill would:

(1) Allow the PSC to make a distinction between prices paid by utilities for electricity from public waste-to-energy facilities and from other cogenerators. The bill would authorize the PSC to exempt public waste-to-energy facilities from risk factors used in determining avoided capacity costs and allow level payments of capacity and energy costs; and

(2) Encourage the renegotiation of existing contracts between electric utilities and public waste-to-energy facilities.

Statewide Litter Program

The bill creates a statewide litter prevention program under the direction of a Clean Florida Commission within the Department of Transportation. The commission is to serve as the coordinating body for the statewide program, which is to involve various levels of government, local organizations, and other members of the public. The responsibilities of the commission include: (1) development of a highly visible anti-litter campaign focusing on persons who repeatedly litter; (2) conducting an ongoing public education program on litter prevention; (3) providing grants to local governments and nonprofit organizations to implement litter prevention programs; and (4) preparing an annual report to the Governor and the Legislature on the implementation of the litter prevention program. The bill provides for state financial assistance for the establishment of a nonprofit organization called "Keep Florida Beautiful."

Biohazardous Waste

The bill establishes definitions, general standards, and agency responsibilities for the management of biohazardous waste. Biohazardous waste is generally defined as any solid or liquid waste that may present the threat of infection to humans. Examples of biohazardous waste are provided in the bill in the definition of biohazardous waste, which replaces the definition of infectious waste in s. 395.002(13)(c), F.S.

The Department of Health and Rehabilitative Services (DHRS) is given the responsibility of regulating the packaging, storage, and treatment of biohazardous waste at facilities which generate such waste. The DHRS is required to develop rules to carry out this responsibility. The DER is given the responsibility of regulating the transport and disposal or incineration of biohazardous waste from the point where the waste leaves the facility where it is generated. Both agencies are required to enter into an interagency agreement to ensure that biohazardous waste is properly managed.

The bill provides for the enforcement of biohazardous waste laws and rules under the public health protection authority of the DHRS in s. 381.031, F.S. Persons
violating biohazardous waste laws or rules would be subject to existing penalties and administrative fines that may be imposed by the DHRS under the provisions of ss. 381.112 and 381.411, F.S., except that maximum fines for each day's violation may be increased from $500 to $2,500 per day.

Non-Ad Valorem Assessment Collections:

Section 8 of the bill authorized counties and municipalities fees for the collection and disposal of solid waste to be put on the annual property tax notice. The bill provides an optional, uniform method of levying and collecting those solid waste fees and all other non-ad valorem assessments. This optional method, which is taken from the current House Community Affairs proposed committee bill, requires notice to the public before levying, citizen's right to protest the assessment, the inclusion of the fee on the property tax notice, and the collection by the tax certificate process. The optional method of collection may not be used until 1990.

C. Section by Section Analysis:

Section 1 -- Amends s. 403.701, F.S., to change the short title of the Florida Resource Recovery and Management Act to the Florida Solid Waste Management Act.

Section 2 -- Amends s. 403.702, F.S., to amend the legislative findings of the Florida Resource Recovery and Management Act.

Section 3 -- Amends s. 403.703, F.S., to change existing definitions and add new definitions relating to solid waste management.

Section 4 -- Amends s. 316.003(69), F.S., to correct references.

Section 5 -- Amends s. 319.30, F.S., to correct references.

Section 6 -- Amends s. 403.704, F.S., to change existing powers and duties and add new powers and duties of the Department of Environmental Regulation for solid waste management;

Section 7 -- Amends s. 403.7045, F.S., to provide that the disposal of pathogenic wastes shall be regulated pursuant to methods authorized by the Department of Environmental Regulation; requires disposal of ash from solid waste management facilities which burn solid waste according to rules developed by DER for such disposal; requires rulemaking to be initiated by February 1, 1989.

Section 8 -- Creates s. 403.7049, to require local governments to determine the full cost for solid waste management; requires establishment of a system to inform solid waste management customers of the full cost for solid waste management; requires local governments, within four years of the effective date of the bill, to ensure that rates, impact fees, or assessments charged for solid waste management include the full cost; authorizes local governments to charge varying disposal fees for disposal of unrecycled solid waste; authorizes local governments to impose fees for solid waste disposal to fund solid waste management and recycling programs.

Section 9 -- Amends s. 403.705, F.S., to require the Department of Environmental Regulation to develop a state solid waste management program and implementing
rules; substantially amends existing law on the purpose of the state resource recovery and management program.

Section 10 -- Amends s. 403.706, F.S., to require counties to develop, adopt, and implement local solid waste management programs; establishes the required content of the programs, including a recycling program, a public education program, and a special waste management program; allows development of a local solid waste management program for a region by interlocal agreement; allows joint development of recycling and solid waste management programs; requires municipalities to use solid waste management facilities designated by a county except under certain circumstances.

Section 11 -- Creates s. 403.7061, F.S., to provide procedures for development and adoption of local solid waste management programs.

Section 12 -- Creates s. 403.7063, F.S., to provide procedures and criteria for review and approval of local solid waste management programs by the Department of Environmental Regulation; provides penalties.

Section 13 -- Creates s. 403.7064, F.S., to require municipalities to develop, adopt, and implement recycling programs; establishes the required content of the programs; provides for joint development of recycling programs by municipalities and counties; provides penalties.

Section 14 -- Amends s. 403.7065, F.S., to provide for state agency procurement of products or materials with recycled content.

Section 15 -- Creates s. 403.7068, F.S., to authorize the Department of Environmental Regulation to request the State Treasurer to withhold funds provided by the department to counties and municipalities for failure to develop, adopt, and implement local solid waste management and recycling programs.

Section 16 -- Amends s. 403.707, F.S., to limit the exemption from solid waste permitting to disposal onsite of solid waste generated on residential property or from normal farming operations; allows an exemption from solid waste permitting for disposal activities permitted under other provisions of chapter 403, F.S.; deletes the exemption from solid waste permitting for construction and demolition debris; allows an exemption from permitting for disposal of clean debris as defined in the bill; authorizes the Department of Environmental Regulation to refuse to issue a solid waste disposal permit to applicants with a history of violating statutes, rules, orders, or permit conditions relating to any solid waste management facility and who is determined to be irresponsible by the DER; requires DER to define "irresponsible" by rule.

Section 17 -- Amends s. 403.708, F.S., to prohibit disposal of certain solid wastes in landfills after specified dates.

Section 18 -- Amends s. 403.709, F.S., to establish a Solid Waste Management Trust Fund; provides for disbursement of monies in the trust fund; establishes a solid waste management fee to be imposed on solid waste disposed of at certain solid waste management facilities; establishes a grant program of $3 m for the use of secondary recyclable materials.

Section 19 -- Amends s. 403.714, F.S., to require recycling and solid waste reduction by state agencies.
Section 20 -- Creates s. 403.7223, F.S., to establish a state assistance program for hazardous substance reduction and waste elimination and reduction.

Section 21 -- Amends s. 163.01, F.S., to allow the use of eminent domain powers by public agencies formed by an interlocal agreement among counties and municipalities; extends sovereign immunity to public agencies formed by an interlocal agreement among counties and municipalities.

Section 22 -- Creates s. 287.05, F.S., to require the Department of General Services (DGS) to review and revise its specifications to increase the purchase and use of recycled materials; requires the DGS to determine the feasibility of procuring certain products or materials with recycled content and to establish minimum amounts of recycled content for such products and materials; authorizes the DGS and other agencies to offer a 10 percent price preference for procurement of products or materials with specified amounts of recycled content.

Section 23 -- Amends s. 288.03, F.S., to require the Department of Commerce to assist in the promotion of markets for and the expansion of the recycling industry in Florida, and to publish an annual report on the industry.

Section 24 -- Amends s. 337.02, F.S., to require the Department of Transportation to review and revise its bid procedures and specifications to increase the purchase and use of recycled materials.

Section 25 -- Requires the Board of Regents, through the Office of the Chancellor, to coordinate state university research and information dissemination on solid and hazardous waste management; requires a one-year study of commercial product packaging.

Sections 26 to 33 -- Amend ss. 403.75, 403.751, 403.753, 403.754, 403.7545, 403.757, 403.758, and 403.759, F.S., relating to the recycling and reuse of used oil.

Section 34 to 38 -- Create ss. 403.760, 403.761, 403.763, 403.767, and 403.769, F.S., relating to the recycling and reuse of used oil.

Section 39 -- Provides that no beverage containers may be sold that are sealed with detachable metal tabs or that are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable; provides definitions; provides an effective date of July 1, 1989, for these restrictions; requires the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation and the Department of Agriculture and Consumer Services to coordinate the enforcement of beverage container restrictions; provides fines for violations of the restrictions.

Section 40 -- Amends s. 377.709, F.S., to provide for the establishment of an electric energy pricing program for prices paid for electricity generated by public waste-to-energy facilities.

Section 41 -- Provides for the establishment of a statewide litter prevention program; provides legislative intent; establishes the Clean Florida Commission within the Department of Transportation; provides powers and duties of the commission.

Section 42 -- Creates s. 381.80, F.S., to require the Department of Health and Rehabilitative Services (DHRS) to regulate the packaging, storage, and treatment of....
of biohazardous waste; requires the DER to regulate the transport, disposal, and incineration of biohazardous waste; provides definitions; requires the DHRS to adopt rules for the regulation of biohazardous waste; provides penalties and enforcement powers for violations of this section.

Section 43 -- Amends s. 395.002(13)(c), F.S., to replace an existing definition of infectious waste with a definition of biohazardous waste.

Section 44
Amends s. 395.0101, F.S., to correct references.

Section 45 Provides that state agencies and local governments should use the most cost-effective means for providing solid waste management services; encourages agencies and local governments to use private enterprise for such services where it is more cost effective.

Section 46 -- Imposes an employer reporting fee depending on the average number of employees reported in the previous calendar year.

Section 47. s. 197.102 - Appropriate amendments to s. 197.102. for accommodation of non-ad valorem assessment certificate procedures in the definition of "tax certificate" and "tax notice"; specifies that the bill that combines the ad valorem taxes and the non-ad valorem assessments is pursuant to the uniform method, as opposed to other methods allowed in this chapter; defines "ad valorem tax roll" and "non-ad valorem assessment rolls"; clarifies that the tax roll and assessment roll will not be synonymous after January 1, 1989.

Section 48. s. 197.322 - Amended to require the combined non-ad valorem assessment and notice of ad valorem taxes to conform to s. 197.3635.

Section 49. s. 197.363 - Amended to provide property appraisers the option of continuing to place non-ad valorem assessments on the ad valorem roll, if they have done so in the past; amended to allow other methods of collection providing that they do not require all the services of the property appraisers and tax collectors specified by the uniform method.


Requires local entities utilizing the uniform method of non-ad valorem assessment to comply with certain procedures:

- each local government levying non-ad valorem assessments must have a written agreement with the property appraiser and tax collector providing for reimbursement of administrative costs;
- the local entity must submit to the property appraiser by January 10 a copy of the ordinance authorizing the non-ad valorem assessment and a legal description of the boundaries of the area subject to the assessment. The property appraiser must furnish the NAL (name, address, legal description) in the area described to that local entity by June 1;
- all existing or new taxing authorities must comply with the provisions related to the hearing for approval of the non-ad valorem assessment roll;
the non-ad valorem assessment roll must be adopted at a public hearing held by each local entity levying non-ad valorem assessments after proper noticing;

non-ad valorem assessment rolls adopted pursuant to this section must be certified to the tax collector no later than September 15 of each year;

provides that non-ad valorem assessments are subject to all collection provisions in Chapter 197, including provisions relating to discount for early payment, prepayment by installment method, penalty for delinquent payment, and issuance of tax certificates and tax deeds for nonpayment and deferred payment;

provides that the sale of a tax certificate for unpaid non-ad valorem assessments shall be in accordance with s. 197.432(4) (relating to the protection from loss of homestead property when a certificate is for less than $100).

Provides permissive exception from this method for Dade County.

Assigns responsibility for the quality and compatibility of information on the non-ad valorem assessment roll.

Section 51. s. 197.3635 - Creates requirements that specify the format and content of the combined non-ad valorem and ad valorem tax bill. The actual bill format is not included in the statute.

Section 52. s. 197.502 - Inclusion of appropriate wording for reference to non-ad valorem assessments.

Section 53. Upon adoption of this part, county property appraisers and tax collectors shall have 2 years from the effective date of this act to comply.

Section 54 -- Provides appropriations.

Section 55 -- Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT: FY 88-89 FY 89-90 FY 90-91

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

<table>
<thead>
<tr>
<th>Department</th>
<th>FY 88-89</th>
<th>FY 89-90</th>
<th>FY 90-91</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of General Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Capital Outlay</td>
<td>$174,451</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>Department of HRS</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Operating Capital Outlay</td>
<td>6,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Department of Environmental Regulation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating Capital Outlay</td>
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<td>0</td>
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<tr>
<td>Department of Revenue</td>
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<tr>
<td>Operating Capital Outlay</td>
<td>30,344</td>
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Department of Education
## Expenses-Public Education Program

<table>
<thead>
<tr>
<th>Department</th>
<th>Expenses</th>
<th>Rec.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor's Energy Office</td>
<td>200,000</td>
<td>0</td>
<td>200,000</td>
</tr>
<tr>
<td>Operating Capital Outlay</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Department of Transportation</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Clean Fla. Commission</td>
<td>3,000,000</td>
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<td>3,000,000</td>
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<tr>
<td>Total</td>
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<td>$3,771,717</td>
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### 2. Recurring or Annualized Continuation Effects:

**REVENUES:**

<table>
<thead>
<tr>
<th>Department</th>
<th>Revenues ($'000)</th>
<th>Expenses ($'000)</th>
<th>Total ($'000)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Environmental Regulation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tipping Fee</td>
<td>16,300,000</td>
<td>24,500,000</td>
<td>24,500,000</td>
</tr>
<tr>
<td>Employer Reporting Fee</td>
<td>28,400,000</td>
<td>28,400,000</td>
<td>28,400,000</td>
</tr>
<tr>
<td>Grant Program For Users of Recyclable Materials</td>
<td>(3,000,000)</td>
<td>(3,000,000)</td>
<td>(3,000,000)</td>
</tr>
<tr>
<td>Total</td>
<td>41,700,000</td>
<td>49,900,000</td>
<td>49,900,000</td>
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</tbody>
</table>

**EXPENDITURES:**

<table>
<thead>
<tr>
<th>Department</th>
<th>Salaries and Benefits</th>
<th>Expenses</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of General Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Benefits (26 FTE)</td>
<td>620,08</td>
<td>669,688</td>
<td>723,263</td>
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<tr>
<td>Expenses</td>
<td>574,418</td>
<td>603,139</td>
<td>643,796</td>
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<td>Commodity Testing Lab</td>
<td>1,000,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
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<tr>
<td>Sub-total</td>
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<td>2,272,827</td>
<td>2,367,059</td>
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<tr>
<td>Department of HRS</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Benefits (1 FTE)</td>
<td>34,662</td>
<td>41,228</td>
<td>48,540</td>
</tr>
<tr>
<td>Expenses (training)</td>
<td>0</td>
<td>10,000</td>
<td>0</td>
</tr>
<tr>
<td>Sub-total</td>
<td>34,662</td>
<td>51,228</td>
<td>48,540</td>
</tr>
<tr>
<td>Department of Environmental Regulation</td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>Salaries and Benefits (64 FTE)</td>
<td>1,949,300</td>
<td>2,046,765</td>
<td>2,149,103</td>
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<tr>
<td>Expense</td>
<td>1,926,270</td>
<td>2,022,583</td>
<td>2,123,712</td>
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<tr>
<td>Recycling/Solid Waste Grant-In-Aid</td>
<td>31,703,723</td>
<td>42,619,006</td>
<td>42,392,423</td>
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<tr>
<td>Petroleum Violation Escrow Acct.</td>
<td>2,500,000</td>
<td>2,500,000</td>
<td>2,500,000</td>
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<tr>
<td>Sub-total</td>
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<td>49,188,354</td>
<td>49,165,238</td>
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<tr>
<td>Department of Revenue</td>
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<td></td>
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<tr>
<td>Salaries and Benefits (15 FTE)</td>
<td>240,703</td>
<td>353,396</td>
<td>368,062</td>
</tr>
<tr>
<td>Expenses</td>
<td>240,000</td>
<td>173,250</td>
<td>181,700</td>
</tr>
<tr>
<td>Data Processing Services</td>
<td>5,000</td>
<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>185,000</td>
<td>185,000</td>
<td>185,000</td>
</tr>
<tr>
<td>Sub-total</td>
<td>670,703</td>
<td>716,646</td>
<td>739,762</td>
</tr>
<tr>
<td>Governor's Energy Office</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries and Benefits (5 FTE)</td>
<td>125,240</td>
<td>125,240</td>
<td>125,240</td>
</tr>
<tr>
<td>Expenses</td>
<td>25,500</td>
<td>25,500</td>
<td>25,500</td>
</tr>
<tr>
<td>Sub-total</td>
<td>150,740</td>
<td>150,740</td>
<td>150,740</td>
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</table>
### Department of Education

**Board of Regents**

<table>
<thead>
<tr>
<th>Salaries and Benefits (6 FTE)</th>
<th>Expenses</th>
<th>Sub-total</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>175,000</td>
<td>1,025,000</td>
<td>1,200,000</td>
<td>$42,329,898</td>
</tr>
<tr>
<td>184,000</td>
<td>1,016,000</td>
<td>1,200,000</td>
<td>$53,579,795</td>
</tr>
<tr>
<td>192,000</td>
<td>1,008,000</td>
<td>1,200,000</td>
<td>$53,671,339</td>
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</tbody>
</table>

3. **Long Run Effects Other Than Normal Growth:**

The tipping fee and the employer reporting fee are repealed in eight years, thereby eliminating all revenue sources to the Solid Waste Management Trust Fund.

4. **Appropriations Consequences:**

#### REVENUES:

**Department of Environmental Regulation**

| Solid Waste Management TF | $41,700,000 | $49,900,000 | $49,900,000 |

**EXPENDITURES:**

**Department of General Services**

<table>
<thead>
<tr>
<th>General Revenue Fund</th>
<th>Solid Waste Management TF</th>
<th>1,058,437</th>
<th>639,949</th>
<th>711,406</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,310,513</td>
<td>1,632,878</td>
<td>1,655,653</td>
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<td></td>
</tr>
</tbody>
</table>

**Department of Health & Rehabilitative Services**

| General Revenue Fund | 40,662 | 51,228 | 48,540 |

**Department of Environmental Regulation**

| Solid Waste Management TF | 35,913,954 | 46,688,354 | 46,665,238 |
| Petroleum Violation Escrow Acct. | 2,500,000 | 2,500,000 | 2,500,000 |

**Department of Revenue**

| Solid Waste Management TF | 701,047 | 716,646 | 739,762 |

**Department of Education**

| General Revenue Fund | 625,514 | 337,878 | 360,653 |
| Solid Waste Management TF | 774,486 | 862,122 | 839,347 |

**Governor's Energy Office**

| General Revenue Fund | 177,002 | 150,740 | 150,740 |

**Department of Transportation**

| Solid Waste Management TF | 3,000,000 | 0 | 0 |

**Total**

| General Revenue Fund | 1,901,615 | 1,179,795 | 1,271,339 |
| Solid Waste Management TF | 41,700,000 | 49,900,000 | 49,900,000 |
| Petroleum Violation Escrow Acct. | 2,500,000 | 2,500,000 | 2,500,000 |

$46,101,615 $53,579,795 $53,671,339
B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

Local governments will be eligible for $31.7 million in grant assistance in FY 1988-89 for purposes identified in the bill. Any costs exceeding this grant level will have to be absorbed by local governments and are indeterminate.

2. Recurring or Annualized Continuation Effects:

Local governments will be eligible for $42.6 million in grant assistance in FY 1989-90. Costs to local governments in excess of this amount will have to be absorbed by local governments and are indeterminate.

3. Long Run Effects Other Than Normal Growth:

The tipping fee and the employee reporting fee are repealed in eight years, thereby eliminating all revenue sources to the Solid Waste Management Trust Fund.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

(1) Solid waste collection and disposal rates may increase when local governments begin charging customers the actual total cost for solid waste collection and disposal four years from the effective date of the bill. The increase in rates should be offset by reductions in the use of other revenue sources to pay for solid waste management and an increase in the avoided cost of disposal.

(2) The public may be required to pay part of the cost for new or expanded recycling and solid waste reduction services provided by local governments. Part of the costs for these programs should be offset by funds from the Solid Waste Management Trust Fund, revenues from the sale of recycled materials, and increased avoided costs of disposal of solid waste.

(3) The public may be required to pay indirectly for the solid waste disposal fee of $1.50 per ton of waste disposed, if the fee is passed on to the public as part of normal solid waste collection and disposal service.

(4) Private industry will be affected by the employer reporting fee.

(5) The beverage industry may experience a cost increase because of the container restrictions on metal detachable tabs and container connectors. Since most beverage containers are already manufactured with nondetachable tabs and the price of degradable container connectors is not much higher than nondegradable container connectors, the conversions costs should be minimal, and limited to conversion of plant and equipment.

(6) The plastic container industry and the foam packaging industry may be negatively affected by the bans on certain types of materials and the labelling requirements for plastic containers provided for in the bill. Businesses which sell products packaged in these types of materials may
experience cost increases if the replacement materials for the banned materials are more expensive to use.

(7) Electric ratepayers may be required to pay an additional amount for electric service if the Public Service Commission establishes rates which would allow local governments operating public waste-to-energy facilities to receive an increase in the rates paid for electricity generated by the facilities. However, solid waste management service customers may see a maintenance of or reduction in, current solid waste disposal costs if higher rates are authorized.

2. Direct Private Sector Benefits:

The public should benefit from the programs in the bill through reduced energy costs from increased recycling; protection of natural resources from unnecessary consumption because of increased recycling; lower overall costs for disposing of solid waste because of the reduction in the amount of waste that must be disposed; protection of drinking water and the environment because of the prohibition of problem wastes from landfills; and a decreased need to use valuable land for solid waste disposal areas.

3. Effects on Competition, Private Enterprise, and Employment Markets:

Indeterminate (See Comments)

D. FISCAL COMMENTS:

Implementation of the provisions of the bill are not totally fundable through the Solid Waste Management Trust Fund because of limits placed on administration of the fund and collection of the fees. Therefore, General Revenue funding is required for the balance of costs not funded by the Solid Waste Management Trust Fund.

IV. COMMENTS:

None

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by:

David Hawley

FINANCE & TAXATION:
Prepared by:

Christian Weiss

APPROPRIATIONS:
Prepared by:

Frank Morgan

Staff Director:

Barry Kling

Staff Director:

Henry C. Cain

Staff Director:

James A. Zingale

STANDARD FORM 10-30-87
I. SUMMARY OF BILL AS INTRODUCED:

A. Present Situation:

Solid Waste Management Problems and Costs

The mismanagement of solid waste\(^1\) can create serious problems for Florida’s environment and for the health of the citizens of the state. Solid waste that is poorly managed can cause contamination of groundwater and surface waters; allow migration of landfill gases; create wind-blown litter and debris; require more land than would otherwise be needed for disposal; and require the expenditure of millions of dollars for remedial cleanup. Increased generation of solid waste, from both a growing population and the increased use of disposable materials, can magnify the adverse effects of the mismanagement of solid waste as well as consume valuable natural resources.

Environmental and public health problems caused by the mismanagement of solid waste are beginning to appear in Florida and nationwide. According to a 1985 report on solid waste landfill closure prepared by the University of Florida, 40 sites on the Florida Hazardous Waste Sites List are or were solid waste landfills. A draft document from the Department of Environmental Regulation (DER) reports that 25 percent of the sites on the federal Superfund Cleanup List are old, leaking landfills. A 1987 draft study prepared by the University of Florida for the South Florida Water Management District found that there are approximately 3,500 acres of leaking landfills in south Florida that are

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\(^1\)Section 403.703(9), Florida Statutes, defines solid waste as "sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations."
releasing approximately two million gallons of concentrated leachate per day that could contaminate groundwater supplies.

Disposal of certain problem wastes or other wastes that are difficult to manage has increased the potential for environmental damage and increased the cost for disposal. These wastes (and the amounts generated per year according to a draft document provided by the DER) include:

-- Lead acid batteries (3 to 4 million). These batteries (batteries from motor vehicles) are often buried in landfills and burned in waste-to-energy facilities when recycling is not cost feasible. Contamination of water supplies from lead and acid, and emissions and ash containing high levels of lead, may result from this practice.

-- Discarded tires (15 million). Discarded tires consume excessive volumes of landfill space and may not completely burn in an incinerator. Discarded piles of tires can serve as breeding grounds for mosquitoes and can be a fire hazard.

-- Discarded white goods (1 to 2 million). These items, such as old refrigerators, stoves, etc., often end up being illegally dumped or illegally disposed of because of the volume of landfill space they consume and the difficulty in processing such goods for disposal or burning.

-- Used oil (8 to 9 million gallons unaccounted for each year). Used oil that is unaccounted for most likely is disposed of illegally. The used oil can be hazardous depending upon the substances it contains.

-- Infectious, pathogenic, or biohazardous waste that is not properly disposed of may pose a potential health threat to the public through contamination of water supplies or by direct contact. Such waste may also pose a health threat to solid waste management workers from handling improperly treated waste.

-- Construction and demolition debris, which is exempt from permitting in Florida, may contain potentially harmful wastes such as paints and solvents. Construction and demolition debris dumps tend to attract illegal or potentially harmful wastes and can create disposal problems for local governments.

The costs to government and the public for providing proper management of solid waste are substantial. A 1986 report by the DER entitled Report on the Potential for Solid Waste Management Grants estimated the average cost for solid waste management in Florida in 1985 to be $20.01 per ton, or an estimated total statewide cost in 1985 of more than $250 million. In many instances, these costs are not fully borne by the persons receiving the solid waste management Service. Of the 58 counties responding to survey questions from the DER relating to solid waste management financing, 19 indicated that their solid waste disposal costs were met completely by tipping fees; 13 met disposal costs with ad valorem revenues or general fund monies; and 1 met disposal costs with user fees. The remaining 25 counties used some combination of these revenue sources along with federal revenue sharing funds and state funds to meet solid waste disposal costs. Experts believe that people will not have the incentive to reduce the amount of waste they dispose of if they are unaware of what it actually costs them for solid waste collection and disposal.
To meet stringent state requirements for construction of landfills in Florida, most new landfills must have liners and leachate, stormwater, and landfill gas controls. New landfill construction costs in 1985 were estimated by the DER to average $73,500 per acre. Costs may vary depending on the characteristics of a landfill site. For example, the DER reports that the landfill construction cost for a site in Palm Beach County is estimated at $400,000 per acre.

Landfill closure rules adopted in 1985 require that full landfills be properly closed using methods for controlling infiltration of rainwater and controlling stormwater runoff, leachate, and landfill gas. Based on 1985 information, the DER has estimated that the average initial costs for closure of landfills in Florida range from $65,000 to $150,000 per acre.

The estimated cost of constructing a waste-to-energy facility is approximately $100,000 per design ton. Using this estimate, the proposed 3,000 ton per day facility being considered by Jacksonville could cost $300 million to construct.

The high costs incurred for solid waste management are prompting some local governments to examine the option of forming regional organizations for solid waste management. Although regionalization of solid waste management responsibilities appears attractive, questions have been raised about (1) the financial capability of regional organizations; (2) the ability of regional organizations to site solid waste management facilities; (3) the ability of regional organizations to control the flow of solid waste in a region; and (4) the potential liability for problems with regional facilities.

Littering of Florida's highways, beaches, and recreational areas continues to require significant state expenditures and labor for cleanup. In FY 1986-1987, the Florida Department of Transportation (DOT) collected 67,182 cubic yards of litter at a cost of $3.26 million. This represents an increase from FY 1985-1986 of 17,000 cubic yards of litter collected and an increase in litter collection costs of almost $500,000. According to a recently released litter survey by the DOT, the amount of litter per lane-mile of highway has more than doubled from FY 1976-1977 to FY 1986-1987.

Solid Waste Generation and Disposal

The Department of Environmental Regulation has provided a draft document that shows the average solid waste generation rate in Florida to be slightly more than seven pounds of solid waste per day per person. Statewide, approximately 44,500 tons per day or 16.3 million tons per year of solid waste are generated. By the year 2000, it is projected that nearly twice the amount of solid waste generated today, or 30 million tons, will be generated.

The composition of solid waste disposed of in Florida varies throughout the state. According to a recent report by the Research Center for Waste Utilization at the Florida Institute of Technology and correspondence from the Pinellas County Solid Waste Management Division, the composition of solid waste in Brevard County and Pinellas County is as follows:

<table>
<thead>
<tr>
<th>Waste Component</th>
<th>Brevard</th>
<th>Pinellas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper</td>
<td>37%</td>
<td>30%</td>
</tr>
<tr>
<td>Cardboard</td>
<td>12%</td>
<td>4%</td>
</tr>
<tr>
<td>Plastics</td>
<td>7%</td>
<td>2%</td>
</tr>
<tr>
<td>Cloth</td>
<td>2%</td>
<td>2%</td>
</tr>
</tbody>
</table>
Vegetation 17 42
Wood 6 1
Glass 5 6
Metals 5 8
Miscellaneous (food, dirt, etc.) 8 5

According to a draft DER document, the ratio of disposal practices for solid waste generated in Florida is about 65 percent landfill, 25 percent incineration or waste-to-energy, and 10 percent recycling or other method. The DER’s estimation of recycling in Florida is based on a 1980 survey of the recycling industry. The department is currently updating this survey to determine the present rate of recycling in the state.

There are currently about 170 permitted landfills in the state. In 1975, there were over 500 permitted landfills. A reduction in the number of permitted landfills in the state is expected as costs for construction and closure rise and the siting of landfills becomes more difficult. Of the 9,400 acres of active, permitted landfills existing in 1987, 3,160 acres (or 33 percent) are scheduled to close by 1995.

There are nine operating waste-to-energy facilities in the state burning approximately 9,000 tons of solid waste per day. An additional seven facilities may be operating by 1992, bringing the state’s total capacity for waste-to-energy facilities to 22,000 tons of solid waste burned per day.

The DER estimates that 10 percent of the solid waste in the state is recycled based on a 1980 survey showing that 1.1 million tons of paper, glass, and metal were recycled and consumed in Florida. There are no definitive recent figures on the recycling rate in Florida.

Current Solid Waste Management Requirements

The Florida Resource Recovery and Management Act (part IV, chapter 403, Florida Statutes), was passed by the Legislature in 1974 to "promote the application of resource recovery systems which preserve and enhance the quality of air, water, and land resources." Among other things, the act required the DER to adopt a state program for resource recovery and management by 1976 and required local governments to prepare local resource recovery and management programs by 1978. The state program was adopted by rule in 1976 (part II, chapter 17-7, Florida Administrative Code). The state resource recovery and management program primarily consists of requirements for the contents of local resource recovery and management programs submitted to the DER and guidelines on what should be in a local program.

The act was amended in 1976 to require the designation of only certain counties which were to prepare local resource recovery and management programs. Nineteen counties were designated by rule to prepare programs. All of these counties submitted programs to the DER for approval by 1981. Six counties have submitted updated programs to DER since 1981.

Since it was enacted in 1974, the Florida Resource Recovery and Management Act has been amended several times to provide additional requirements for solid and hazardous waste management. In 1980, chapter 80-302, Laws of Florida, expanded the act to add requirements for hazardous waste management. In 1983, chapter 83-310, Laws of Florida, amended several sections of the act relating to hazardous waste management and added provisions on closure of resource recovery
and management facilities, disposal of solid waste on a person's own property, and disposal of solid waste near Class I surface waters. In 1984, chapter 84-338, Laws of Florida, amended the act to require consideration of the cost-effectiveness of landfill construction and closure methods and to allow the DER to issue variances from closure rules under certain circumstances.

In general, part IV of chapter 403, F.S., contains provisions relating to the state resource recovery and management program; local resource recovery and management programs; procurement of recovered materials by state agencies; permitting of resource recovery and management facilities; prohibitions and penalties relating to solid waste disposal; a resource recovery and management trust fund; the use of revenue bonds for development of resource recovery and management facilities; the transport of solid waste; the development of a paper recycling program by the Department of General Services; certification of resource recovery equipment for sales tax credits; and requirements relating to hazardous waste management and used oil collection and recycling.

Other actions have been taken over the past twelve years in attempts to provide for proper solid waste management and disposal. Some of these actions include:

1. Passage of the federal Resource Recovery and Conservation Act of 1976 (RCRA). Subtitle D of RCRA provided limited federal supervision of state and local solid waste management. Under Subtitle D, states were required to prepare and submit solid waste management plans to the U.S. Environmental Protection Agency (EPA).

2. Publication of the Florida Solid Waste Management Plan in 1981 in response to Subtitle D of RCRA. The plan has not been updated since its publication due to lack of funding.

3. Passage of amendments to RCRA in 1984. Most of the amendments related to hazardous waste management. The amendments did require a study by the U.S. EPA of existing federal guidelines and criteria for solid waste management and disposal facilities by November 1987. EPA has prepared a draft study of the federal guidelines and criteria. A final study is expected to be released in April 1988.

4. Adoption by the DER in 1985 of rules (part I, chapter 17-7, Florida Administrative Code) for the construction, closure, and monitoring of landfills and requirements for volume reduction plants, transfer stations, and resource recovery facilities.

There are two specific references to litter and littering in current law. Section 15.041, F.S., establishes a state litter control symbol. Section 403.413, F.S., provides a definition of litter and provides a penalty of a second degree misdemeanor for littering. Enforcement of Florida's litter law is the responsibility of law enforcement officers and designated county and city litter enforcement officers. The Department of Transportation places signs along state highways to notify drivers of litter penalties, but there is no statewide anti-litter campaign in place at this time.

Pricing of Electricity from Waste-to-Energy Facilities

The rates paid for electricity generated by public waste-to-energy facilities has been a matter of considerable debate. The federal Public Utilities Regulatory Policies Act of 1978 provided for the development of regulations to
require the purchase of electricity by any utility from cogenerators of electricity and small power producers (such as waste-to-energy facilities). The regulations established guidelines for state regulatory authorities to set rates for the purchase of the electricity. The Florida Public Service Commission (PSC) is the state authority charged with establishing these rates under s. 366.05(9), F.S. The rates established by the PSC for electricity from public waste-to-energy facilities and cogenerators are based on the avoided cost to utilities for electric generating facilities that the utilities do not have to construct because of the additional electricity produced by waste-to-energy facilities and cogenerators.

Recently, local governments have expressed concerns about the rates paid for electricity that is generated by waste-to-energy facilities they operate. In a report entitled Fair Electrical Pricing Study for Florida Resource Recovery Facilities (which was funded by ten local governments in Florida which operate waste-to-energy facilities), it was argued that the rates paid for the electricity generated by public waste-to-energy facilities are too low and are not fair prices for the electricity generated. The authors of the report contend, among other things, that local governments which operate waste-to-energy facilities are paying more than twice as much to purchase electricity as they are paid to produce electricity. One of the authors' primary recommendations is that rates be established for electricity from waste-to-energy facilities that are consistent with a utility's average retail electric rate or that a minimum "floor" price be paid for such electricity.

The Public Service Commission, in a response to the fair pricing report, has indicated that electric ratepayers should not be required to pay for the disposal of solid waste by waste-to-energy facilities and that any additional payment to these facilities beyond "fully avoided cost" would result in ratepayers subsidizing the disposal of solid waste. The commission stated in its response that "increasing the rates paid by electric utility customers in order to subsidize the disposal of solid waste is not within the purview of the commission ... rather this would be a legislative policy decision."

The commission has suggested that legislation be enacted to promote the development of waste-to-energy facilities and keep electric rates reasonable by: (1) allowing the commission to distinguish between rates paid for electricity from public waste-to-energy facilities and other cogenerators; (2) exempting waste-to-energy facilities from risk factors used in determining avoided costs; (3) allowing level payments of capacity and energy costs; and (4) encouraging the renegotiation of existing contracts for electricity from waste-to-energy facilities.

Solid waste management options

Although Florida law encourages the state and local governments to provide for recycling, the traditional reliance on landfills and the increased use of waste-to-energy facilities for disposal of solid waste have led to limited development of programs for recycling and reducing solid waste amounts prior to processing or disposal. There has not been a statewide focus on recycling of solid waste and reducing the amount of solid waste which ultimately must be disposed.

Several studies have reported the potential environmental and financial benefits of recycling and solid waste reduction. According to a 1987 paper by the Worldwatch Institute entitled Mining Urban Wastes: The Potential For Recycling,
the environmental benefits derived from substituting secondary (recycled) materials for virgin resources is as follows:

<table>
<thead>
<tr>
<th>Environmental Benefit</th>
<th>Aluminum</th>
<th>Glass</th>
<th>Paper</th>
<th>Steel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduction of:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy use</td>
<td>90-97%</td>
<td>4-32%</td>
<td>23-74%</td>
<td>47-74%</td>
</tr>
<tr>
<td>Air pollution</td>
<td>95</td>
<td>20</td>
<td>74</td>
<td>85</td>
</tr>
<tr>
<td>Water pollution</td>
<td>97</td>
<td>--</td>
<td>35</td>
<td>76</td>
</tr>
<tr>
<td>Mining wastes</td>
<td>--</td>
<td>80</td>
<td>--</td>
<td>97</td>
</tr>
<tr>
<td>Water use</td>
<td>--</td>
<td>50</td>
<td>58</td>
<td>40</td>
</tr>
</tbody>
</table>

In terms of financial benefits, a 1985 survey done by the Pennsylvania Department of Environmental Regulation showed that the cost for programs of curbside collection of recyclable material in 33 communities in Pennsylvania averaged $23.18 per ton of recycled material. The average tipping fee of the communities was $31.46 per ton, or $8.28 more than the cost of curbside collection. After adding the revenues received from selling the recycled materials to the avoided cost of disposing of the material, it was found that the recycling programs made an average profit of $26.77 per ton of recycled material.

The effectiveness of recycling and solid waste reduction programs, however, is dependent on several factors, including the cost of alternative disposal methods, participation rates, available markets for recycled materials, and rates paid for recycled materials. Fluctuations in the price paid for a recycled material are common. Markets for recycled materials may not be available within a reasonable distance from where the materials are collected.

If recycling rates are to be increased in Florida, efforts should be made to enhance public and private markets for recycled materials and products made from recycled materials. Government procurement procedures could be revised to encourage purchase of materials with recycled content. According to a 1980 report prepared by the DER entitled The Procurement of Products Containing Recycled Materials, the estimated annual expenditure by the state in 1980 for products that potentially could contain recycled material was over $43 million. In addition, a price preference could be provided to contract bidders providing materials with some recycled content.

Private markets could be enhanced through the use of grants for using recycled material in manufacturing processes or for exporting recycled material to processing facilities in other states. Economic development programs of the state could be used to determine the marketability of recycled materials and encourage the siting in Florida of businesses that use recycled materials in manufacturing processes.

Finally, public awareness of the need for recycling, solid waste reduction, and proper solid waste management should be increased. State and local programs of public education on solid waste management should be developed.

B. Effect of Proposed Changes:

Short title, legislative intent, powers and duties of the Department of Environmental Regulation, and definitions

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The bill substantially amends the Florida Resource Recovery and Management Act (part IV, chapter 403, F.S.). The legislative intent of the act is amended to require safe, proper, and environmentally sound solid waste management rather than just resource recovery and management. Intent language is added to ensure that solid waste reduction, recycling, and public education on waste reduction and recycling are given consideration in solid waste management programs and to encourage the use of private enterprise in carrying out solid waste management functions.

The bill amends the powers and duties of the DER to place greater emphasis on solid waste reduction and recycling. The bill also deletes several statutory references and guidelines for the classification of landfills and provides DER with the authority to develop rules for classification of landfills.

The bill amends several existing definitions relating to solid waste and resource recovery. The bill adds definitions of municipal solid waste, recovered material, recyclable material, transfer station, special wastes, clean debris, solid waste processing, sludge, white goods, free liquid waste, and pathogenic waste.

Disposal of ash from solid waste management facilities that burn solid waste

The bill provides that ash from solid waste management facilities that burn solid waste should be disposed of according to rules developed by the DER. DER rulemaking is to be initiated by February 1, 1989. The DER also is required to work with solid waste management facilities that burn solid waste to identify and develop ways to recycle ash.

Full cost accounting

The bill provides that within one year of the effective date of the act, local governments are to determine the full cost incurred by the local government for solid waste management and develop a system to inform their residents of the full cost. After four years, local governments are required to ensure that the rates charged to their residents for solid waste management reflect the full cost for solid waste management. The calculation of the full cost would include income received from the sale of equipment of the solid waste system and from recycling programs and resource recovery. This would ensure that solid waste management customers are aware of and paying for the full cost for solid waste management.

The bill would allow local governments that have adopted a local option sales tax to delay incorporating the full cost into solid waste management rates for the period that revenue from the tax has been committed. The bill also allows the use of alternate sources of revenue to fund acquisition or construction of capital facilities for solid waste management. In both cases, disclosure of the full cost would still be required.

The bill allows counties and municipalities to assess to help pay for local solid waste management and recycling programs, and may include any solid waste management fees, assessments, or rates as a separate item on the annual county or municipal property tax notice.
State solid waste management program

The bill amends existing law which requires the development of a state solid waste management program. The bill requires the DER to develop a state solid waste management program and adopt the rules necessary to implement the program. The purposes of the program include: (1) providing for safe and orderly management of solid waste; (2) encouraging the regionalization of solid waste management programs; (3) providing planning, technical, and financial assistance to local governments and state agencies for solid waste management, recycling, and special waste management; (4) developing public awareness of and participation in programs for solid waste reduction and recycling in cooperation with other agencies and local governments; and (5) developing various technical assistance programs for determining the full cost for solid waste management, for local solid waste management, and for recycling. The DER is required to prepare an annual report on the status of solid waste management in the state.

Local solid waste management program development and review

The bill amends existing law to require all counties to develop, adopt, and implement local solid waste management programs. Authorities or special districts may assume a county's responsibilities under this section to the extent that a county has no power to assume such obligation.

The programs are to be adopted by resolution and submitted to DER for approval. For counties whose local comprehensive plans are due after March 1, 1990, the submittal dates for the programs are the same dates as for their comprehensive plans. For counties whose plans are to be submitted earlier than this date, the programs are to be submitted according to a schedule developed by DER. No program can be required to be submitted within 18 months of the effective date of the bill. Programs cannot be submitted later than 36 months after the effective date. Counties are encouraged to enter into interlocal agreements with other counties and municipalities to prepare a single local solid waste management programs for a region.

The local solid waste management programs are to be designed to achieve sufficient reduction of solid waste to meet reduction goals for municipal solid waste disposed of in a county. Each county is required to achieve, at a minimum:

(1) At least a 20 percent reduction of municipal solid waste within four years of the effective date of the bill;

(2) At least a 30 percent reduction of municipal solid waste within six years of the effective date of the bill; and

(3) At least a 35 percent reduction of municipal solid waste within eight years of the effective date of the bill.

DER may reduce or modify the municipal solid waste reduction goals for a county if the county can show that:

1. Achieving the goals would have an adverse effect on the ability of the county to meet its financial obligations for the facility; and
2. The county cannot remove normally combustible materials without hurting the financial viability of the facility.

The local solid waste management programs are to contain a county recycling program for the service area of the county. The recycling programs can be in one of several forms, depending on the waste characteristics of a particular county. The recycling programs can consist of: (1) a system of separating and collecting recyclable materials, at the site of a landfill or waste-to-energy facility, before landfilling or burning; (2) a system of separation and collection sites throughout a county for recycling; (3) curbside collection of recyclable materials, which have been separated by a homeowner or business, on a periodic basis; or (4) an alternative system of recycling that meets the requirements of the act and that is approved by the DER. In addition to yard trash, the recycling programs must involve the recycling of at least four of the following materials: glass, aluminum, steel and bimetallic materials, newsprint, office paper, corrugated paper, and plastics.

The bill allows counties to enter into written agreements or contracts with any person (including a municipality) under which that person would develop and implement the county's recycling program. Counties and municipalities may jointly develop local solid waste management and recycling programs under certain conditions. Counties are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

The local solid waste management programs are to contain a public education program on recycling and waste reduction. The programs also are to contain special waste management programs to deal with wastes that cause disposal problems. Counties are directed to work with the construction industry to develop alternative methods of disposing of construction debris.

The local solid waste management programs are to be developed under a system of county and municipal cooperation. After adoption of the programs by the counties, the programs must be ratified by more than one-half of the municipalities in a county representing more than one-half of the municipal population of the county. Adopted and ratified programs are to be submitted to the DER for approval. If the programs are not ratified, the counties are required to revise the programs to address the municipalities' concerns or provide written responses to the municipalities explaining why the program was not revised. Adopted and ratified revised programs are to be submitted to the DER for approval. Revised programs that are adopted but not ratified are sent to the DER for approval along with a statement of objections from the municipalities which did not ratify the program. Elements of a solid waste management program previously agreed to by a municipality under an interlocal agreement or other agreement would be considered ratified.

The DER may approve the programs or disapprove the programs and return them to the appropriate counties for revision. If the programs are disapproved, the county loses eligibility for grants from the Solid Waste Management Trust Fund until the program is approved.

If a county does not develop, adopt, and implement a local solid waste management program, the county loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from the DER for any other purpose withheld.
The bill requires municipalities of 5,000 or more people to develop, adopt, and implement recycling programs. The recycling programs are to be developed in the same manner as the recycling programs described under the local solid waste management programs that are to be prepared by the counties. Municipalities of less than 5,000 people do not have to develop and implement recycling programs but may do so in order to obtain grants from the Solid Waste Management Trust Fund. Authorities or special districts may assume the responsibilities of a municipality under this section to the extent that a municipality has no power to assume such responsibilities.

The bill allows municipalities to jointly develop recycling programs with the county within which the municipality is located. Joint development of these programs can only be accomplished under a written agreement between a county and a municipality. Two or more municipalities may develop, adopt, and implement recycling programs through an interlocal agreement.

The bill allows municipalities to enter into written agreements or contracts with any person (including a county) under which that person would develop and implement the municipality's recycling program. Municipalities are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

Municipal recycling programs developed and adopted independently of county local solid waste management programs would have to be approved by the DER. Programs that are disapproved by DER may be revised by the municipality. If the program is disapproved, the municipality would lose eligibility for grants from the Solid Waste Management Trust Fund until the program is approved.

If a municipality does not develop, adopt, and implement a recycling program, the municipality loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from DER for any other purpose withheld.

Procurement of products with recycled content by government agencies; review of specifications by government agencies for using materials with recycled content; recycling of materials by state agencies and the state educational system

The bill requires the Department of General Services to evaluate products or materials normally purchased by the state to determine if products or materials with recycled content can be purchased instead. The department is to determine how much recycled content could feasibly be contained in such products or materials. The department and other agencies are authorized to grant up to a 10 percent price preference to persons bidding on public contracts that involve the purchase of materials when such persons offer materials containing a specified amount of recycled content.

The bill requires the Department of General Services and the Department of Transportation to review their procurement and bid specifications, respectively, to ensure that recyclable materials, or products or materials with recycled content, are purchased or used when possible.

The bill requires all state agencies to establish programs for recycling waste materials generated in the course of agency operations and to use composted materials when feasible. The bill requires the Department of Education, working with the DER and the state university system, to develop guidelines for recycling within the state education system. School districts in the state are
The bill requires the Department of Commerce to assist the recycling industry in Florida in analyzing markets for recyclable materials, and promotion of the development of businesses that use recyclable materials. It requires the department to prepare an annual report on the industry.

Permits and prohibitions

The bill amends existing law to exempt from permitting the disposal of solid waste generated by persons from their residential property or from normal farming operations on their own property. Current law allows any person to dispose of solid waste on their own property, regardless of whether it is solid waste from residential activities or disposed of on residential property. The bill would exempt persons disposing of solid waste on their own property from solid waste permitting if the environmental effects of the disposal is addressed or authorized by another permit under chapter 403 F.S., or is addressed or authorized by, or exempted from, a groundwater monitoring plan under chapter 403, F.S.

The bill amends existing law to require certain conditions to be met by a person requesting an exemption from permitting for disposal of construction and demolition debris. The bill exempts clean debris, as defined in the bill, from permitting for disposal. The bill also allows the DER to refuse to issue a permit for a solid waste management facility to an applicant who has repeatedly violated statutes, rules, orders, or permit conditions pertaining to solid waste management facilities and who has been determined to be irresponsible by the DER. "Irresponsible" would be defined by rule by the department.

Local governments are prohibited from adopting or enforcing regulations that discriminate against privately owned solid waste management facilities, except as they relate to the control of solid waste.

The bill would prohibit the sale or distribution in the state of food packaged in a containers manufactured with chlorofluorocarbons after October 1, 1990.

The bill would prohibit water management districts from regulating solid waste disposal unless district rules for solid waste disposal are approved by the DER.

The bill prohibits the disposal in landfills of certain solid wastes after a specified date. Solid wastes prohibited include: lead-acid, mercury, and nickel-cadmium batteries (1989); used oil (1990); whole scrap tires (1992); yard trash, except in designated landfills and except where the yard trash will be used at a composting facility (1992); white goods, meaning discarded refrigerators, washing machines, and other large appliances (1992); and free liquid waste (1992). The bill requires DER to identify and assist in developing programs for disposing of these wastes prior to the prohibition dates.

Retail stores selling lead-acid batteries have to accept used ones as trade-ins.

The bill prohibits the construction of solid waste disposal facilities adjacent to schools. Construction of schools adjacent to or on a site that was used for generating, storing, processing, or disposing of carcinogenic substances would also be prohibited.
Solid Waste Management Trust Fund

The bill creates the Solid Waste Management Trust Fund which is to be funded from an employer reporting fee depending on the average number of employees reported in the previous calendar year. Preliminary estimates are that the fee will generate approximately $30.4 million.

The bill provides for allocation of the trust fund money for grants in the following manner:

(1) At least 40 percent to counties and municipalities to pay 50 percent of the costs to develop and implement, or contract with other persons to develop and implement, recycling programs, including the purchase of capital equipment for recycling (local governments could receive grants for future expenses incurred under an existing recycling program);

(2) At least 20 percent to counties to pay 50 percent of the costs to develop and implement local solid waste management programs, including studies, analyses, composting programs, and problem waste management programs;

Grants available to local governments under (1) and (2) are distributed as follows:

1. 25% of the funds are to be distributed equally among the 67 counties.
2. 75% of the funds are to be distributed based on population.

(3) No more than 25 percent to local governments to pay 50 percent of the cost of closing, monitoring, and making improvements to existing landfills (priority in grants is to be given to local governments under consent orders to close their landfills);

(4) No more than 5 percent for research and development on specific issues;

(5) No more than 10 percent on public education, model program development, technical assistance, and hazardous substance and waste reduction programs;

(6) No more than 10 percent to other state agencies to perform their duties required by the act; and

(7) No more than $3,000,000 per year is to be used to provide grants to businesses in the state that use recyclable materials in their manufacturing processes.

(8) DER may authorize a matching grant to counties for projects deemed to further substantially the recycling goals set in the bill, even if the counties' program has not been approved.

Hazardous substance reduction and waste reduction and elimination assistance program

The bill requires the DER to establish an assistance program to help businesses, industries, and other persons in reducing the volume and toxicity of hazardous waste produced and reducing the volume of hazardous substances used in Florida.
Interlocal agreements; regional solid waste management

The bill amends existing law to provide better control over the amounts of solid waste disposed of in a particular region or county by allowing counties to designate solid waste management facilities for the handling of waste from municipalities except where a municipality is using an existing, permitted solid waste management facility. The bill provides that a county's designation of a facility and the approval of such designation by DER as part of the county's local solid waste management program shall be upheld unless the municipality demonstrates that the designation would pose a higher financial burden on the citizens of a municipality than it would on the citizens in the unincorporated part of the county. The bill also allows a municipality to use a facility solely for recycling other than the one designated by a county.

The bill also allows the use of eminent domain powers where expressly authorized under an interlocal agreement and extends sovereign immunity where expressly authorized by an interlocal agreement. The interlocal agreement would have to be formed by local governments for these powers to apply.

University Solid and Hazardous Waste Management Research

The bill requires the state Board of Regents, through the Office of the Chancellor, to coordinate state university research and information dissemination on solid and hazardous waste management research. The Chancellor would be required to appoint an advisory council to oversee the coordination of research activities. The Board of Regents also would be responsible for designating a state university or universities to conduct a one-year study of the commercial packaging of products and its effects on solid waste management and litter control.

Used oil

The bill amends several sections of existing law relating to programs for recycling and reuse of used oil and creates several new sections of law to provide for: (1) the development of used oil collection centers; (2) the development of a grants program to local governments to encourage collection, reuse, and proper disposal of used oil; (3) the development of a statewide incentives program to encourage the return of used oil to used oil collection centers; (4) the establishment of standards, requirements, and procedures for used oil transporters; (5) the certification of used oil transporters; and (6) the permitting of used oil recycling facilities.

Restrictions on Beverage Containers

The bill provides that after July 1, 1989, no beverage containers shall be sold in Florida if they have detachable metal rings or tabs or if they are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable. These restrictions are to be jointly enforced by the Department of Agriculture and Consumer Services and the Department of Business Regulation as part of their normal inspection programs.

Pricing of electricity generated by public waste-to-energy facilities

The bill amends s. 377.709, Florida Statutes, which deals with advanced funding of local government waste-to-energy facilities by electric utilities. This section of the bill was developed by the Public Service Commission (PSC) to
address the issue of prices paid to public waste-to-energy facilities for electricity generated by those facilities. This provision of the bill would:

(1) Allow the PSC to make a distinction between prices paid by utilities for electricity from public waste-to-energy facilities and from other cogenerators. The bill would authorize the PSC to exempt public waste-to-energy facilities from risk factors used in determining avoided capacity costs and allow level payments of capacity and energy costs; and

(2) Encourage the renegotiation of existing contracts between electric utilities and public waste-to-energy facilities.

Statewide Litter Program

The bill creates a statewide litter prevention program under the direction of a Clean Florida Commission within the Department of Transportation. The commission is to serve as the coordinating body for the statewide program, which is to involve various levels of government, local organizations, and other members of the public. The responsibilities of the commission include: (1) development of a highly visible anti-litter campaign focusing on persons who repeatedly litter; (2) conducting an ongoing public education program on litter prevention; (3) providing grants to local governments and nonprofit organizations to implement litter prevention programs; and (4) preparing an annual report to the Governor and the Legislature on the implementation of the litter prevention program. The bill provides for state financial assistance for the establishment of a nonprofit organization called "Keep Florida Beautiful."

Biohazardous Waste

The bill establishes definitions, general standards, and agency responsibilities for the management of biohazardous waste. Biohazardous waste is generally defined as any solid or liquid waste that may present the threat of infection to humans. Examples of biohazardous waste are provided in the bill in the definition of biohazardous waste, which replaces the definition of infectious waste in s. 395.002(13)(c), F.S.

The Department of Health and Rehabilitative Services (DHRS) is given the responsibility of regulating the packaging, storage, and treatment of biohazardous waste at facilities which generate such waste. The DHRS is required to develop rules to carry out this responsibility. The DER is given the responsibility of regulating the transport and disposal or incineration of biohazardous waste from the point where the waste leaves the facility where it is generated. Both agencies are required to enter into an interagency agreement to ensure that biohazardous waste is properly managed.

The bill provides for the enforcement of biohazardous waste laws and rules under the public health protection authority of the DHRS in s. 381.031, F.S. Persons violating biohazardous waste laws or rules would be subject to existing penalties and administrative fines that may be imposed by the DHRS under the provisions of ss. 381.112 and 381.411, F.S., except that maximum fines for each day's violation may be increased from $500 to $2,500 per day.

Non-Ad Valorem Assessment Collections:

Section 8 of the bill authorized counties and municipalities fees for the collection and disposal of solid waste to be put on the annual property tax
notice. The bill provides an optional, uniform method of levying and collecting those solid waste fees and all other non-ad valorem assessments. This optional method, which is taken from the current House Community Affairs proposed committee bill, requires notice to the public before levying, citizen's right to protest the assessment, the inclusion of the fee on the property tax notice, and the collection by the tax certificate process. The optional method of collection may not be used until 1990.

C. Section by Section Analysis:

Section 1 -- Amends s. 403.701, F.S., to change the short title of the Florida Resource Recovery and Management Act to the Florida Solid Waste Management Act.

Section 2 -- Amends s. 403.702, F.S., to amend the legislative findings of the Florida Resource Recovery and Management Act.

Section 3 -- Amends s. 403.703, F.S., to change existing definitions and add new definitions relating to solid waste management.

Section 4 -- Amends s. 316.003(69), F.S., to correct references.

Section 5 -- Amends s. 319.30, F.S., to correct references.

Section 6 -- Amends s. 403.704, F.S., to change existing powers and duties and add new powers and duties of the Department of Environmental Regulation for solid waste management;

Section 7 -- Amends s. 403.7045, F.S., to provide that the disposal of pathogenic wastes shall be regulated pursuant to methods authorized by the Department of Environmental Regulation; requires disposal of ash from solid waste management facilities which burn solid waste according to rules developed by DER for such disposal; requires rulemaking to be initiated by February 1, 1989.

Section 8 -- Creates s. 403.7049, to require local governments to determine the full cost for solid waste management; requires establishment of a system to inform solid waste management customers of the full cost for solid waste management; requires local governments, within four years of the effective date of the bill, to ensure that rates charged for solid waste management include the full cost; authorizes the use of alternative funding methods for solid waste management; allows for a delay in including full costs in rates charged for solid waste management if a local government has adopted a local option sales tax; authorizes local governments to charge varying disposal fees for disposal of unrecycled solid waste; authorizes local governments to impose fees for solid waste disposal to fund solid waste management and recycling programs.

Section 9 -- Amends s. 403.705, F.S., to require the Department of Environmental Regulation to develop a state solid waste management program and implementing rules; substantially amends existing law on the purpose of the state resource recovery and management program.

Section 10 -- Amends s. 403.706, F.S., to require counties to develop, adopt, and implement local solid waste management programs; establishes the required content of the programs, including a recycling program, a public education program, and a special waste management program; allows development of a local solid waste management program for a region by interlocal agreement; allows
joint development of recycling and solid waste management programs; requires municipalities to use solid waste management facilities designated by a county except under certain circumstances.

Section 11 -- Creates s. 403.7061, F.S., to provide procedures for development and adoption of local solid waste management programs.

Section 12 -- Creates s. 403.7063, F.S., to provide procedures and criteria for review and approval of local solid waste management programs by the Department of Environmental Regulation; provides penalties.

Section 13 -- Creates s. 403.7064, F.S., to require municipalities to develop, adopt, and implement recycling programs; establishes the required content of the programs; provides for joint development of recycling programs by municipalities and counties; provides for development of recycling programs by two or more municipalities; provides penalties.

Section 14 -- Amends s. 403.7065, F.S., to provide for state agency procurement of products or materials with recycled content.

Section 15 -- Creates s. 403.7068, F.S., to authorize the Department of Environmental Regulation to request the State Treasurer to withhold funds provided by the department to counties and municipalities for failure to develop, adopt, and implement local solid waste management and recycling programs.

Section 16 -- Amends s. 403.707, F.S., to limit the exemption from solid waste permitting to disposal onsite of solid waste generated on residential property or from normal farming operations; allows an exemption from solid waste permitting for disposal activities permitted under other provisions of chapter 403, F.S.; modifies the exemption from solid waste permitting for construction and demolition debris; allows an exemption from permitting for disposal of clean debris as defined in the bill; authorizes the Department of Environmental Regulation to refuse to issue a solid waste disposal permit to applicants with a history of violating statutes, rules, orders, or permit conditions relating to any solid waste management facility and who is determined to be irresponsible by the DER; requires DER to define "irresponsible" by rule.

Section 17 -- Amends s. 403.708, F.S., to prohibit disposal of certain solid wastes in landfills after specified dates; prohibits the sales or distribution of food products contained in packaging made with chlorofluorocarbons; prohibits the construction of solid waste disposal facilities next to schools; prohibits the construction of schools next to or on sites that were used for generating, storing, processing, or disposing of carcinogenic substances.

Section 18 -- Amends s. 403.709, F.S., to establish a Solid Waste Management Trust Fund; provides for disbursement of monies in the trust fund; establishes a grant program of $3 m for the use of secondary recyclable materials.

Section 19 -- Amends s. 403.714, F.S., to require recycling and solid waste reduction by state agencies.

Section 20 Transfers s. 203.10, F.S., and renumbers it as s. 403.7215, F.S.

Section 21 Creates s. 403.7223, F.S., to establish a state assistance program for hazardous substance reduction and waste elimination and reduction.
Section 22 -- Amends s. 163.01, F.S., to allow the use of eminent domain powers by public agencies formed by an interlocal agreement among counties and municipalities; extends sovereign immunity to public agencies formed by an interlocal agreement among counties and municipalities.

Section 23 -- Creates s. 287.05, F.S., to require the Department of General Services (DGS) to review and revise its specifications to increase the purchase and use of recycled materials; requires the DGS to determine the feasibility of procuring certain products or materials with recycled content and to establish minimum amounts of recycled content for such products and materials; authorizes the DGS and other agencies to offer a 10 percent price preference for procurement of products or materials with specified amounts of recycled content.

Section 24 -- Amends s. 288.03, F.S., to require the Department of Commerce to assist in the promotion of markets for and the expansion of the recycling industry in Florida, and to publish an annual report on the industry.

Section 25 -- Amends s. 337.02, F.S., to require the Department of Transportation to review and revise its bid procedures and specifications to increase the purchase and use of recycled materials.

Section 26 -- Requires the Board of Regents, through the Office of the Chancellor, to coordinate state university research and information dissemination on solid and hazardous waste management; requires a one-year study of commercial product packaging.

Sections 27 to 34 -- Amend ss. 403.75, 403.751, 403.753, 403.754, 403.7545, 403.757, 403.758, and 403.759, F.S., relating to the recycling and reuse of used oil.

Section 35 to 39 -- Create ss. 403.760, 403.761, 403.763, 403.767, and 403.769, F.S., relating to the recycling and reuse of used oil.

Section 40 -- Provides that no beverage containers may be sold that are sealed with detachable metal tabs or that are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable; provides definitions; provides an effective date of July 1, 1989, for these restrictions; requires the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation and the Department of Agriculture and Consumer Services to coordinate the enforcement of beverage container restrictions; provides fines for violations of the restrictions.

Section 41 -- Amends s. 377.709, F.S., to provide for the establishment of an electric energy pricing program for prices paid for electricity generated by public waste-to-energy facilities.

Section 42 -- Provides for the establishment of a statewide litter prevention program; provides legislative intent; establishes the Clean Florida Commission within the Department of Transportation; provides powers and duties of the commission.

Section 43 -- Creates s. 381.80, F.S., to require the Department of Health and Rehabilitative Services (DHRS) to regulate the packaging, storage, and treatment of biohazardous waste; requires the DER to regulate the transport, disposal, and incineration of biohazardous waste; provides definitions; requires the DHRS to
adopt rules for the regulation of biohazardous waste; provides penalties and enforcement powers for violations of this section.

Section 44 -- Amends s. 395.002(13)(c), F.S., to replace an existing definition of infectious waste with a definition of biohazardous waste.

Section 45 Amends s. 395.0101, F.S., to correct references.

Section 46 Provides that state agencies and local governments should use the most cost-effective means for providing solid waste management services; encourages agencies and local governments to use private enterprise for such services where it is more cost effective.

Section 47 -- Imposes an employer reporting fee depending on the average number of employees reported in the previous calendar year.

Section 48. s. 197.102 - Appropriate amendments to s. 197.102. for accommodation of non-ad valorem assessment certificate procedures in the definition of "tax certificate" and "tax notice"; specifies that the bill that combines the ad valorem taxes and the non-ad valorem assessments is pursuant to the uniform method, as opposed to other methods allowed in this chapter; defines "ad valorem tax roll" and "non-ad valorem assessment rolls"; clarifies that the tax roll and assessment roll will not be synonymous after January 1, 1989.

Section 49. s. 197.322 - Amended to require the combined non-ad valorem assessment and notice of ad valorem taxes to conform to s. 197.3635.

Section 50. s. 197.363 - Amended to provide property appraisers the option of continuing to place non-ad valorem assessments on the ad valorem roll, if they have done so in the past.

Section 51. Creates S. 197.3631 effective October 1, 1989 to allow other methods of collection providing that they do not require all the services of the property appraisers and tax collectors specified by the uniform method.

Section 52. s. 197.3632 - defines "levy," "local government," "local governing board," non-ad valorem assessment," and "non-ad valorem assessment roll."

Requires local entities utilizing the uniform method of non-ad valorem assessment to comply with certain procedures:

Each local government levying non-ad valorem assessments must have a written agreement with the property appraiser and tax collector providing for reimbursement of administrative costs;

the local entity must submit to the property appraiser by January 10 a copy of the ordinance authorizing the non-ad valorem assessment and a legal description of the boundaries of the area subject to the assessment. The property appraiser must furnish certain information relative to property in the area described to that local entity by June 1;

all existing or new taxing authorities must comply with the provisions related to the hearing for approval of the non-ad valorem assessment roll;
for new assessments, the non-ad valorem assessment roll must be adopted at a public hearing held by each local entity levying non-ad valorem assessments after proper noticing;

non-ad valorem assessment rolls adopted pursuant to this section must be certified to the tax collector no later than September 15 of each year;

provides that non-ad valorem assessments are subject to all collection provisions in Chapter 197, including provisions relating to discount for early payment, prepayment by installment method, penalty for delinquent payment, and issuance of tax certificates and tax deeds for nonpayment and deferred payment;

provides that the sale of a tax certificate for unpaid non-ad valorem assessments shall be in accordance with s. 197.432(4) (relating to the protection from loss of homestead property when a certificate is for less than $100).

Assigns responsibility for the quality and compatibility of information on the non-ad valorem assessment roll.

Section 53. s. 197.3635 - Creates requirements that specify the format and content of the combined non-ad valorem and ad valorem tax bill. The actual bill format is not included in the statute, but each form must be approved by the Department of Revenue.

Section 54 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT: FY 88-89 FY 89-90 FY 90-91

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

EXPENDITURES:
Department of General Services
Operating Capital Outlay $ 174,451 $ 0 $ 0

Department of HRS
Operating Capital Outlay 6,000 0 0

Department of Environmental Regulation
Operating Capital Outlay 334,660 0 0

Petroleum Violation Escrow Acct. 2,500,000 0 0

Department of Revenue
Operating Capital Outlay 30,344 0 0

Department of Education
Expenses-Public Education Program 200,000 0 0

Governor's Energy Office
Operating Capital Outlay 26,262 0 0
2. Recurring or Annualized Continuation Effects:

**REVENUES:**

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<th>Department of Environmental Regulation</th>
<th>28,400,000</th>
<th>28,400,000</th>
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</thead>
<tbody>
<tr>
<td>Employer Reporting Fee</td>
<td>28,400,000</td>
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<td>(3,000,000)</td>
<td>(3,000,000)</td>
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<td><strong>Total</strong></td>
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**EXPENDITURES:**

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<tr>
<th>Department of General Services</th>
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<tr>
<td>Salaries and Benefits (26 FTE)</td>
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<td>669,688</td>
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<td>643,796</td>
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<td>Commodity Testing Lab</td>
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<td><strong>Sub-total</strong></td>
<td>2,194,500</td>
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<td>Expenses (training)</td>
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<td>34,662</td>
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<td>Salaries and Benefits (64 FTE)</td>
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<td>1,123,712</td>
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<td>Recycling/Solid Waste Grant-In-Aid</td>
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<td>Expenses</td>
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<td>Data Processing Services</td>
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<td>5,000</td>
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<tr>
<td>Other Personal Services</td>
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<td>185,000</td>
<td>185,000</td>
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<td><strong>Sub-total</strong></td>
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<td>716,646</td>
<td>739,762</td>
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<th>Governor's Energy Office</th>
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<tr>
<td>Salaries and Benefits (5 FTE)</td>
<td>125,240</td>
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<tr>
<td>Expenses</td>
<td>25,500</td>
<td>25,500</td>
<td>25,500</td>
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<tr>
<td><strong>Sub-total</strong></td>
<td>150,740</td>
<td>150,740</td>
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Department of Education
Board of Regents
Salaries and Benefits (6 FTE) 175,000 184,000 192,000
Expenses 1,025,000 1,016,000 1,008,000
Sub-total 1,200,000 1,200,000 1,200,000
Total $23,074,898 $26,534,795 $26,626,339

3. Long Run Effects Other Than Normal Growth:

The employer reporting fee is repealed in eight years, thereby eliminating this revenue source to the Solid Waste Management Trust Fund.

4. Appropriations Consequences:

REVENUES:
Department of Environmental Regulation
Solid Waste Management TF $25,400,000 $25,400,000 $25,400,000
Petroleum Violation Escrow Acct. 2,500,000 0 0

EXPENDITURES:
General Revenue Fund 1,446,615 1,134,795 1,226,339
Solid Waste Management TF 25,400,000 25,400,000 25,400,000
Petroleum Violation Escrow Acct. 2,500,000 0 0
$29,346,615 $26,534,795 $26,626,339

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

Local governments will be eligible for $15.9 million in grant assistance in FY 1988-89 for purposes identified in the bill. Any costs exceeding this grant level will have to be absorbed by local governments and are indeterminate.

2. Recurring or Annualized Continuation Effects:

Local governments will be eligible for $19.1 million in grant assistance in FY 1989-90. Costs to local governments in excess of this amount will have to be absorbed by local governments and are indeterminate.

3. Long Run Effects Other Than Normal Growth:

The employee reporting fee is repealed in eight years, thereby eliminating this revenue source to the Solid Waste Management Trust Fund.
C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

   (1) Solid waste collection and disposal rates may increase when local governments begin charging customers the full cost for solid waste collection and disposal four years from the effective date of the bill. The increase in rates should be offset by reductions in the use of other revenue sources to pay for solid waste management and an increase in the avoided cost of disposal.

   (2) The public may be required to pay part of the cost for new or expanded recycling and solid waste reduction services provided by local governments. Part of the costs for these programs should be offset by funds from the Solid Waste Management Trust Fund, revenues from the sale of recycled materials, and increased avoided costs of disposal of solid waste.

   (3) Private industry will be affected by the employer reporting fee.

   (4) The beverage industry may experience a cost increase because of the container restrictions on metal detachable tabs and container connectors. Since most beverage containers are already manufactured with nondetachable tabs and the price of degradable container connectors is not much higher than nondegradable container connectors, the conversions costs should be minimal, and limited to conversion of plant and equipment.

   (5) The foam packaging industry may be negatively affected by the bans on containers using chlorofluorocarbons provided for in the bill. Businesses which sell products packaged in these types of materials may experience cost increases if the replacement materials for the banned materials are more expensive to use.

   (7) Electric ratepayers may be required to pay an additional amount for electric service if the Public Service Commission establishes rates which would allow local governments operating public waste-to-energy facilities to receive an increase in the rates paid for electricity generated by the facilities. However, solid waste management service customers may see a maintenance of or reduction in, current solid waste disposal costs if higher rates are authorized.

2. Direct Private Sector Benefits:

   The public should benefit from the programs in the bill through reduced energy costs from increased recycling; protection of natural resources from unnecessary consumption because of increased recycling; lower overall costs for disposing of solid waste because of the reduction in the amount of waste that must be disposed; protection of drinking water and the environment because of the prohibition of problem wastes from landfills; and a decreased need to use valuable land for solid waste disposal areas.

3. Effects on Competition, Private Enterprise, and Employment Markets:

   Indeterminate

D. FISCAL COMMENTS: 492
IV. COMMENTS:
None

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:
Prepared by:

David Hawley

FINANCE & TAXATION:
Prepared by:

Christian Weiss

APPROPRIATIONS:
Prepared by:

Frank Morgan

Staff Director:
Barry Kling

Staff Director:
Henry C. Cain

Staff Director:
Dr. James A. Zingale
I. SUMMARY OF BILL AS INTRODUCED:

A. Present Situation:

Solid Waste Management Problems and Costs

The mismanagement of solid waste can create serious problems for Florida's environment and for the health of the citizens of the state. Solid waste that is poorly managed can cause contamination of groundwater and surface waters; allow migration of landfill gases; create wind-blown litter and debris; require more land than would otherwise be needed for disposal; and require the expenditure of millions of dollars for remedial cleanup. Increased generation of solid waste, from both a growing population and the increased use of disposable materials, can magnify the adverse effects of the mismanagement of solid waste as well as consume valuable natural resources.

Environmental and public health problems caused by the mismanagement of solid waste are beginning to appear in Florida and nationwide. According to a 1985 report on solid waste landfill closure prepared by the University of Florida, 40 sites on the Florida Hazardous Waste Sites List are or were solid waste landfills. A draft document from the Department of Environmental Regulation (DER) reports that 25 percent of the sites on the

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1Section 403.703(9), Florida Statutes, defines solid waste as "sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations."
federal Superfund Cleanup List are old, leaking landfills. A 1987 draft study prepared by the University of Florida for the South Florida Water Management District found that there are approximately 3,500 acres of leaking landfills in south Florida that are releasing approximately two million gallons of concentrated leachate per day that could contaminate groundwater supplies.

Disposal of certain problem wastes or other wastes that are difficult to manage has increased the potential for environmental damage and increased the cost for disposal. These wastes (and the amounts generated per year according to a draft document provided by the DER) include:

-- Lead acid batteries (3 to 4 million). These batteries (batteries from motor vehicles) are often buried in landfills and burned in waste-to-energy facilities when recycling is not cost feasible. Contamination of water supplies from lead and acid, and emissions and ash containing high levels of lead, may result from this practice.

-- Discarded tires (15 million). Discarded tires consume excessive volumes of landfill space and may not completely burn in an incinerator. Discarded piles of tires can serve as breeding grounds for mosquitoes and can be a fire hazard.

-- Discarded white goods (1 to 2 million). These items, such as old refrigerators, stoves, etc., often end up being illegally dumped or illegally disposed of because of the volume of landfill space they consume and the difficulty in processing such goods for disposal or burning.

-- Used oil (8 to 9 million gallons unaccounted for each year). Used oil that is unaccounted for most likely is disposed of illegally. The used oil can be hazardous depending upon the substances it contains.

-- Infectious, pathogenic, or biohazardous waste that is not properly disposed of may pose a potential health threat to the public through contamination of water supplies or by direct contact. Such waste may also pose a health threat to solid waste management workers from handling improperly treated waste.

-- Construction and demolition debris, which is exempt from permitting in Florida, may contain potentially harmful wastes such as paints and solvents. Construction and demolition debris dumps tend to attract illegal or potentially harmful wastes and can create disposal problems for local governments.

The costs to government and the public for providing proper management of solid waste are substantial. A 1986 report by the DER entitled Report on the Potential for Solid Waste Management Grants estimated the average cost for solid waste management in Florida in 1985 to be $20.01 per ton, or an estimated total
statewide cost in 1985 of more than $250 million. In many instances, these costs are not fully borne by the persons receiving the solid waste management service. Of the 58 counties responding to survey questions from the DER relating to solid waste management financing, 19 indicated that their solid waste disposal costs were met completely by tipping fees; 13 met disposal costs with ad valorem revenues or general fund monies; and 1 met disposal costs with user fees. The remaining 25 counties used some combination of these revenue sources along with federal revenue sharing funds and state funds to meet solid waste disposal costs. Experts believe that people will not have the incentive to reduce the amount of waste they dispose of if they are unaware of what it actually costs them for solid waste collection and disposal.

To meet stringent state requirements for construction of landfills in Florida, most new landfills must have liners and leachate, stormwater, and landfill gas controls. New landfill construction costs in 1985 were estimated by the DER to average $73,500 per acre. Costs may vary depending on the characteristics of a landfill site. For example, the DER reports that the landfill construction cost for a site in Palm Beach County is estimated at $400,000 per acre.

Landfill closure rules adopted in 1985 require that full landfills be properly closed using methods for controlling infiltration of rainwater and controlling stormwater runoff, leachate, and landfill gas. Based on 1985 information, the DER has estimated that the average initial costs for closure of landfills in Florida range from $65,000 to $150,000 per acre.

The estimated cost of constructing a waste-to-energy facility is approximately $100,000 per design ton. Using this estimate, the proposed 3,000 ton per day facility being considered by Jacksonville could cost $300 million to construct.

The high costs incurred for solid waste management are prompting some local governments to examine the option of forming regional organizations for solid waste management. Although regionalization of solid waste management responsibilities appears attractive, questions have been raised about (1) the financial capability of regional organizations; (2) the ability of regional organizations to site solid waste management facilities; (3) the ability of regional organizations to control the flow of solid waste in a region; and (4) the potential liability for problems with regional facilities.

Littering of Florida's highways, beaches, and recreational areas continues to require significant state expenditures and labor for cleanup. In FY 1986-1987, the Florida Department of Transportation (DOT) collected 67,182 cubic yards of litter at a cost of $3.26 million. This represents an increase from FY 1985-1986 of 17,000 cubic yards of litter collected and an increase in litter collection costs of almost $500,000. According to a recently released litter survey by the DOT, the
amount of litter per lane-mile of highway has more than doubled from FY 1976-1977 to FY 1986-1987.

Solid Waste Generation and Disposal

The Department of Environmental Regulation has provided a draft document that shows the average solid waste generation rate in Florida to be slightly more than seven pounds of solid waste per day per person. Statewide, approximately 44,500 tons per day or 16.3 million tons per year of solid waste are generated. By the year 2000, it is projected that nearly twice the amount of solid waste generated today, or 30 million tons, will be generated.

The composition of solid waste disposed of in Florida varies throughout the state. According to a recent report by the Research Center for Waste Utilization at the Florida Institute of Technology and correspondence from the Pinellas County Solid Waste Management Division, the composition of solid waste in Brevard County and Pinellas County is as follows:

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<tr>
<th>Waste Component</th>
<th>Brevard</th>
<th>Pinellas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper</td>
<td>37%</td>
<td>30%</td>
</tr>
<tr>
<td>Cardboard</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>Plastics</td>
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<td>2</td>
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<td>Cloth</td>
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<tr>
<td>Vegetation</td>
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</tr>
<tr>
<td>Wood</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Glass</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Metals</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Miscellaneous (food, dirt, etc.)</td>
<td>8</td>
<td>5</td>
</tr>
</tbody>
</table>

According to a draft DER document, the ratio of disposal practices for solid waste generated in Florida is about 65 percent landfill, 25 percent incineration or waste-to-energy, and 10 percent recycling or other method. The DER's estimation of recycling in Florida is based on a 1980 survey of the recycling industry. The department is currently updating this survey to determine the present rate of recycling in the state.

There are currently about 170 permitted landfills in the state. In 1975, there were over 500 permitted landfills. A reduction in the number of permitted landfills in the state is expected as costs for construction and closure rise and the siting of landfills becomes more difficult. Of the 9,400 acres of active, permitted landfills existing in 1987, 3,160 acres (or 33 percent) are scheduled to close by 1995.

There are nine operating waste-to-energy facilities in the state burning approximately 9,000 tons of solid waste per day. An additional seven facilities may be operating by 1992, bringing the state's total capacity for waste-to-energy facilities to 22,000 tons of solid waste burned per day.

The DER estimates that 10 percent of the solid waste in the state is recycled based on a 1980 survey showing that 1.1 million tons...
of paper, glass, and metal were recycled and consumed in Florida. There are no definitive recent figures on the recycling rate in Florida.

Current Solid Waste Management Requirements

The Florida Resource Recovery and Management Act (part IV, chapter 403, Florida Statutes), was passed by the Legislature in 1974 to "promote the application of resource recovery systems which preserve and enhance the quality of air, water, and land resources." Among other things, the act required the DER to adopt a state program for resource recovery and management by 1976 and required local governments to prepare local resource recovery and management programs by 1978. The state program was adopted by rule in 1976 (part II, chapter 17-7, Florida Administrative Code). The state resource recovery and management program primarily consists of requirements for the contents of local resource recovery and management programs submitted to the DER and guidelines on what should be in a local program.

The act was amended in 1976 to require the designation of only certain counties which were to prepare local resource recovery and management programs. Nineteen counties were designated by rule to prepare programs. All of these counties submitted programs to the DER for approval by 1981. Six counties have submitted updated programs to DER since 1981.

Since it was enacted in 1974, the Florida Resource Recovery and Management Act has been amended several times to provide additional requirements for solid and hazardous waste management. In 1980, chapter 80-302, Laws of Florida, expanded the act to add requirements for hazardous waste management. In 1983, chapter 83-310, Laws of Florida, amended several sections of the act relating to hazardous waste management and added provisions on closure of resource recovery and management facilities, disposal of solid waste on a person's own property, and disposal of solid waste near Class I surface waters. In 1984, chapter 84-338, Laws of Florida, amended the act to require consideration of the cost-effectiveness of landfill construction and closure methods and to allow the DER to issue variances from closure rules under certain circumstances.

In general, part IV of chapter 403, F.S., contains provisions relating to the state resource recovery and management program; local resource recovery and management programs; procurement of recovered materials by state agencies; permitting of resource recovery and management facilities; prohibitions and penalties relating to solid waste disposal; a resource recovery and management trust fund; the use of revenue bonds for development of resource recovery and management facilities; the transport of solid waste; the development of a paper recycling program by the Department of General Services; certification of resource recovery equipment for sales tax credits; and requirements relating to hazardous waste management and used oil collection and recycling.
Other actions have been taken over the past twelve years in attempts to provide for proper solid waste management and disposal. Some of these actions include:

(1) Passage of the federal Resource Recovery and Conservation Act of 1976 (RCRA). Subtitle D of RCRA provided limited federal supervision of state and local solid waste management. Under Subtitle D, states were required to prepare and submit solid waste management plans to the U.S. Environmental Protection Agency (EPA).

(2) Publication of the Florida Solid Waste Management Plan in 1981 in response to Subtitle D of RCRA. The plan has not been updated since its publication due to lack of funding.

(3) Passage of amendments to RCRA in 1984. Most of the amendments related to hazardous waste management. The amendments did require a study by the U.S. EPA of existing federal guidelines and criteria for solid waste management and disposal facilities by November 1987. EPA has prepared a draft study of the federal guidelines and criteria. A final study is expected to be released in April 1988.

(4) Adoption by the DER in 1985 of rules (part I, chapter 17-7, Florida Administrative Code) for the construction, closure, and monitoring of landfills and requirements for volume reduction plants, transfer stations, and resource recovery facilities.

There are two specific references to litter and littering in current law. Section 15.041, F.S., establishes a state litter control symbol. Section 403.413, F.S., provides a definition of litter and provides a penalty of a second degree misdemeanor for littering. Enforcement of Florida's litter law is the responsibility of law enforcement officers and designated county and city litter enforcement officers. The Department of Transportation places signs along state highways to notify drivers of litter penalties, but there is no statewide anti-litter campaign in place at this time.

Pricing of Electricity from Waste-to-Energy Facilities

The rates paid for electricity generated by public waste-to-energy facilities has been a matter of considerable debate. The federal Public Utilities Regulatory Policies Act of 1978 provided for the development of regulations to require the purchase of electricity by any utility from cogenerators of electricity and small power producers (such as waste-to-energy facilities). The regulations established guidelines for state regulatory authorities to set rates for the purchase of the electricity. The Florida Public Service Commission (PSC) is the state authority charged with establishing these rates under s. 366.05(9), F.S.. The rates established by the PSC for electricity from public waste-to-energy facilities and cogenerators are based on the avoided cost to utilities for electric generating facilities that the utilities do not have to
construct because of the additional electricity produced by waste-to-energy facilities and cogenerators.

Recently, local governments have expressed concerns about the rates paid for electricity that is generated by waste-to-energy facilities they operate. In a report entitled Fair Electrical Pricing Study for Florida Resource Recovery Facilities (which was funded by ten local governments in Florida which operate waste-to-energy facilities), it was argued that the rates paid for the electricity generated by public waste-to-energy facilities are too low and are not fair prices for the electricity generated. The authors of the report contend, among other things, that local governments which operate waste-to-energy facilities are paying more than twice as much to purchase electricity as they are paid to produce electricity. One of the authors' primary recommendations is that rates be established for electricity from waste-to-energy facilities that are consistent with a utility's average retail electric rate or that a minimum "floor" price be paid for such electricity.

The Public Service Commission, in a response to the fair pricing report, has indicated that electric ratepayers should not be required to pay for the disposal of solid waste by waste-to-energy facilities and that any additional payment to these facilities beyond "fully avoided cost" would result in ratepayers subsidizing the disposal of solid waste. The commission stated in its response that "increasing the rates paid by electric utility customers in order to subsidize the disposal of solid waste is not within the purview of the commission rather this would be a legislative policy decision."

The commission has suggested that legislation be enacted to promote the development of waste-to-energy facilities and keep electric rates reasonable by: (1) allowing the commission to distinguish between rates paid for electricity from public waste-to-energy facilities and other cogenerators; (2) exempting waste-to-energy facilities from risk factors used in determining avoided costs; (3) allowing level payments of capacity and energy costs; and (4) encouraging the renegotiation of existing contracts for electricity from waste-to-energy facilities.

Solid waste management options

Although Florida law encourages the state and local governments to provide for recycling, the traditional reliance on landfills and the increased use of waste-to-energy facilities for disposal of solid waste have led to limited development of programs for recycling and reducing solid waste amounts prior to processing or disposal. There has not been a statewide focus on recycling of solid waste and reducing the amount of solid waste which ultimately must be disposed.

Several studies have reported the potential environmental and financial benefits of recycling and solid waste reduction. According to a 1987 paper by the Worldwatch Institute entitled Mining Urban Wastes: The Potential For Recycling, the
environmental benefits derived from substituting secondary (recycled) materials for virgin resources is as follows:

<table>
<thead>
<tr>
<th>Environmental Benefit</th>
<th>Aluminum</th>
<th>Glass</th>
<th>Paper</th>
<th>Steel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduction of:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy use</td>
<td>90-97%</td>
<td>4-32%</td>
<td>23-74%</td>
<td>47-74%</td>
</tr>
<tr>
<td>Air pollution</td>
<td>95</td>
<td>20</td>
<td>74</td>
<td>85</td>
</tr>
<tr>
<td>Water pollution</td>
<td>97</td>
<td>--</td>
<td>35</td>
<td>76</td>
</tr>
<tr>
<td>Mining wastes</td>
<td>--</td>
<td>80</td>
<td>--</td>
<td>97</td>
</tr>
<tr>
<td>Water use</td>
<td>--</td>
<td>50</td>
<td>58</td>
<td>40</td>
</tr>
</tbody>
</table>

In terms of financial benefits, a 1985 survey done by the Pennsylvania Department of Environmental Regulation showed that the cost for programs of curbside collection of recyclable material in 33 communities in Pennsylvania averaged $23.18 per ton of recycled material. The average tipping fee of the communities was $31.46 per ton, or $8.28 more than the cost of curbside collection. After adding the revenues received from selling the recycled materials to the avoided cost of disposing of the material, it was found that the recycling programs made an average profit of $26.77 per ton of recycled material.

The effectiveness of recycling and solid waste reduction programs, however, is dependent on several factors, including the cost of alternative disposal methods, participation rates, available markets for recycled materials, and rates paid for recycled materials. Fluctuations in the price paid for a recycled material are common. Markets for recycled materials may not be available within a reasonable distance from where the materials are collected.

If recycling rates are to be increased in Florida, efforts should be made to enhance public and private markets for recycled materials and products made from recycled materials. Government procurement procedures could be revised to encourage purchase of materials with recycled content. According to a 1980 report prepared by the DER entitled The Procurement of Products Containing Recycled Materials, the estimated annual expenditure by the state in 1980 for products that potentially could contain recycled material was over $43 million. In addition, a price preference could be provided to contract bidders providing materials with some recycled content.

Private markets could be enhanced through the use of grants for using recycled material in manufacturing processes or for exporting recycled material to processing facilities in other states. Economic development programs of the state could be used to determine the marketability of recycled materials and encourage the siting in Florida of businesses that use recycled materials in manufacturing processes.

Finally, public awareness of the need for recycling, solid waste reduction, and proper solid waste management should be increased. State and local programs of public education on solid waste management should be developed.
3. Effect of Proposed Changes:

Short title, legislative intent, powers and duties of the Department of Environmental Regulation, and definitions

The bill substantially amends the Florida Resource Recovery and Management Act (part IV, chapter 403, F.S.). The legislative intent of the act is amended to require safe, proper, and environmentally sound solid waste management rather than just resource recovery and management. Intent language is added to ensure that solid waste reduction, recycling, and public education on waste reduction and recycling are given consideration in solid waste management programs and to encourage the use of private enterprise in carrying out solid waste management functions.

The bill amends the powers and duties of the DER to place greater emphasis on solid waste reduction and recycling. The bill also deletes several statutory references and guidelines for the classification of landfills and provides DER with the authority to develop rules for classification of landfills.

The bill amends several existing definitions relating to solid waste and resource recovery. The bill adds definitions of municipal solid waste, recovered material, recyclable material, transfer station, special wastes, clean debris, solid waste processing, sludge, white goods, free liquid waste, and pathogenic waste.

Disposal of ash from solid waste management facilities that burn solid waste

The bill provides that ash from solid waste management facilities that burn solid waste should be disposed of according to rules developed by the DER. DER rulemaking is to be initiated by February 1, 1989. The DER also is required to work with solid waste management facilities that burn solid waste to identify and develop ways to recycle ash.

Full cost accounting

The bill provides that within one year of the effective date of the act, local governments are to determine the full cost incurred by the local government for solid waste management and develop a system to inform their residents of the full cost. After four years, local governments are required to ensure that the rates charged to their residents for solid waste management reflect the full cost for solid waste management. The calculation of the full cost would include income received from the sale of equipment from a local government's solid waste system and from recycling programs and resource recovery. This would ensure that solid waste management customers are aware of and paying for the full cost for solid waste management.
The bill would allow local governments that have adopted a local option sales tax for solid waste management to delay incorporating the full cost into solid waste management rates for the period that revenue from the tax has been committed. The bill also allows the use of alternate sources of revenue to fund acquisition or construction of capital facilities for solid waste management. In both cases, disclosure of the full cost would still be required.

The bill allows counties and municipalities to assess fees to help pay for local solid waste management and recycling programs. The bill also authorizes local governments to charge varying disposal fees for disposal of unrecycled solid waste.

**State solid waste management program**

The bill amends existing law which requires the development of a state solid waste management program. The bill requires the DER to develop a state solid waste management program and adopt the rules necessary to implement the program. The purposes of the program include: (1) providing for safe and orderly management of solid waste; (2) encouraging the regionalization of solid waste management programs; (3) providing planning, technical, and financial assistance to local governments and state agencies for solid waste management, recycling, and special waste management; (4) developing public awareness of and participation in programs for solid waste reduction and recycling in cooperation with other agencies and local governments; and (5) developing various technical assistance programs for determining the full cost for solid waste management, for local solid waste management, and for recycling. The DER is required to prepare an annual report on the status of solid waste management in the state.

**Local solid waste management programs**

The bill amends existing law to require all counties to develop, adopt, and implement local solid waste management programs. Authorities or special districts may assume a county's responsibilities under this section to the extent that a county has no power to assume such responsibilities.

The programs are to be adopted by resolution and submitted to DER for approval. For counties whose local comprehensive plans are due after March 1, 1990, the submittal dates for the programs are the same dates as for their comprehensive plans. For counties whose plans are to be submitted earlier than this date, the programs are to be submitted according to a schedule developed by DER. No program can be required to be submitted within 18 months of the effective date of the bill. Programs cannot be submitted later than 36 months after the effective date. Counties are encouraged to enter into interlocal agreements with other counties and municipalities to prepare a single local solid waste management programs for a region.

The local solid waste management programs are to be designed to achieve sufficient reduction of solid waste to meet reduction
goals for municipal solid waste disposed of within a county. Each county is required to achieve, at a minimum:

1. At least a 20 percent reduction of municipal solid waste within four years of the effective date of the bill;

2. At least a 30 percent reduction of municipal solid waste within six years of the effective date of the bill; and

3. At least a 35 percent reduction of municipal solid waste within eight years of the effective date of the bill.

DER may reduce or modify the municipal solid waste reduction goals for a county if the county can demonstrate that:

1. Achieving the goals would have an adverse effect on the ability of the county to meet its financial obligations for a waste-to-energy facility; and

2. The county cannot remove normally combustible materials without hurting the financial viability of the waste-to-energy facility.

The goals can only be reduced to the extent necessary to alleviate the financial hardship. Counties still must develop recycling programs.

The local solid waste management programs are to contain a county recycling program for the service area of the county. The recycling programs can be in one of several forms, depending on the waste characteristics of a particular county. The recycling programs can consist of: (1) a system of separating and collecting recyclable materials, at the site of a landfill or waste-to-energy facility, before landfilling or burning; (2) a system of separation and collection sites throughout a county for recycling; (3) curbside collection on a periodic basis of recyclable materials, which have been separated by a homeowner or business; or (4) an alternative system of recycling that meets the requirements of the act and that is approved by the DER. In addition to yard trash, the recycling programs must involve the recycling of at least four of the following materials: glass, aluminum, steel and bimetallic materials, newsprint, office paper, corrugated paper, and plastics.

The bill allows counties to enter into written agreements or contracts with any person (including a municipality) under which that person would develop and implement the county's recycling program. The bill provides a procedure for renegotiation of contracts between counties and solid waste collection franchisees in order to implement the recycling requirements of the bill. Counties and municipalities may jointly develop local solid waste management and recycling programs under certain conditions. Counties are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.
The local solid waste management programs are to contain a public education program on recycling and waste reduction. The programs also are to contain special waste management programs to deal with wastes that cause disposal problems. Counties are directed to work with the construction industry to develop alternative methods of disposing of construction debris.

The local solid waste management programs are to be developed under a system of county and municipal cooperation. After adoption of the programs by the counties, the programs must be ratified by more than one-half of the municipalities in a county representing more than one-half of the municipal population of the county. Adopted and ratified programs are to be submitted to the DER for approval. If the programs are not ratified, the counties are required to revise the programs to address the municipalities' concerns or provide written responses to the municipalities explaining why the program was not revised. Adopted and ratified revised programs are to be submitted to the DER for approval. Revised programs that are adopted but not ratified are sent to the DER for approval along with a statement of objections from the municipalities which did not ratify the program. Elements of a solid waste management program previously agreed to by a municipality under an interlocal agreement or other agreement would be considered ratified.

The DER may approve the programs or disapprove the programs and return them to the appropriate counties for revision. If the programs are disapproved, the county loses eligibility for grants from the Solid Waste Management Trust Fund until the program is approved.

If a county does not develop, adopt, and implement a local solid waste management program, the county loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from the DER for any other purpose withheld.

The bill requires each operator of a solid waste management facility (except existing facilities which will not be in use three years after the effective date of the bill) to weigh all solid waste when it is received or to measure the volume of such waste by methods approved by DER.

**Municipal recycling programs**

The bill requires municipalities of 5,000 or more people to develop, adopt, and implement recycling programs. The recycling programs are to be developed in the same manner as the recycling programs described under the local solid waste management programs that are to be prepared by the counties. Municipalities of less than 5,000 people do not have to develop and implement recycling programs but may do so in order to obtain grants from the Solid Waste Management Trust Fund. Authorities or special districts may assume the responsibilities of a municipality under this section to the extent that a municipality has no power to assume such responsibilities.
The bill allows municipalities to jointly develop recycling programs with the county within which the municipality is located. Joint development of these programs can only be accomplished under a written agreement between a county and a municipality. Two or more municipalities may develop, adopt, and implement recycling programs through an interlocal agreement.

The bill allows municipalities to enter into written agreements or contracts with any person (including a county) under which that person would develop and implement the municipality's recycling program. The bill provides a procedure for renegotiation of contracts between municipalities and solid waste collection franchisees in order to implement the recycling requirements of the bill. Municipalities are not required to use the renegotiation process if they are contracting with any person for the processing, shredding, recycling, or storing of waste tires. Municipalities are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

Municipal recycling programs developed and adopted independently of county local solid waste management programs would have to be approved by the DER. Programs that are disapproved by DER may be revised by the municipality. If the program is disapproved, the municipality loses eligibility for grants from the Solid Waste Management Trust Fund until the program is approved.

If a municipality does not develop, adopt, and implement a recycling program, the municipality loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from DER for any other purpose withheld.

Procurement of products with recycled content by government agencies; review of specifications by government agencies for using materials with recycled content; recycling of materials by state agencies and the state educational system

The bill requires the Department of General Services to evaluate products or materials normally purchased by the state to determine if products or materials with recycled content can be purchased instead. The department is to determine how much recycled content could feasibly be contained in such products or materials. The department and other agencies are authorized to grant up to a 10 percent price preference to persons bidding on public contracts that involve the purchase of materials when such persons offer materials containing a specified amount of recycled content.

The bill requires the Department of General Services and the Department of Transportation to review their procurement and bid specifications, respectively, to ensure that recyclable materials, or products or materials with recycled content, are purchased or used when possible.

The bill requires all state agencies to establish programs for recycling waste materials generated in the course of agency operations.
operations and to use composted materials when feasible. The bill requires the Department of Education, working with the DER and the state university system, to develop guidelines for recycling within the state education system. School districts in the state are required to develop programs for recycling awareness and the Department of Education is required to develop curriculum materials for recycling in all school levels.

The bill requires the Department of Commerce to assist the recycling industry in Florida in analyzing markets for recyclable materials and providing information to assist in the development of businesses that use recyclable materials. The department is required to prepare an annual report on the recycling industry and its implementation of this provision.

Permits and prohibitions

The bill amends existing law to exempt from permitting the disposal of solid waste generated by persons from their residential property or from normal farming operations on their own property. Current law allows any person to dispose of solid waste on their own property, regardless of whether it is solid waste from residential activities or disposed of on residential property. The bill would exempt persons disposing of solid waste on their own property from solid waste permitting if the environmental effects of the disposal is addressed or authorized by another permit under chapter 403 F.S., or is addressed or authorized by, or exempted from, a groundwater monitoring plan under chapter 403, F.S. The bill also exempts dumpsters from solid waste, permitting provided that the solid waste in such dumpsters is collected at least once per month.

The bill amends existing law to require certain conditions to be met by a person requesting an exemption from permitting for disposal of construction and demolition debris. The bill exempts clean debris, as defined in the bill, from permitting for disposal. The bill also allows the DER to refuse to issue a permit for a solid waste management facility to an applicant who has repeatedly violated statutes, rules, orders, or permit conditions pertaining to solid waste management facilities and who has been determined to be irresponsible by the DER. "Irresponsible" would be defined by rule by the department.

Local governments are prohibited from adopting or enforcing regulations that discriminate against privately owned solid waste management facilities, except as they relate to the control of solid waste.

The bill would prohibit the sale or distribution in the state of products packaged in containers or packing manufactured with chlorofluorocarbons after October 1, 1990. The bill prohibits the sale or distribution in the state of plastic containers that do not have certain molded labels indicating the type of plastic used in the container. Such labelling would make it easier to identify plastic containers which can be recycled.
The bill would prohibit water management districts from regulating solid waste disposal unless district rules for solid waste disposal are approved by the DER.

The bill prohibits the disposal in landfills of certain solid wastes after a specified date. Solid wastes prohibited include: lead-acid, mercury, and nickel-cadmium batteries (1989); used oil (1990); whole scrap tires (1990) (shredded, cut, or processed tires are not prohibited from disposal); yard trash, except in designated landfills and except where the yard trash will be used at a composting facility (1992); white goods, meaning discarded refrigerators, washing machines, and other large appliances (1992); and free liquid waste (1992). The bill requires DER to identify and assist in developing programs for disposing of these wastes prior to the prohibition dates.

Retail stores selling lead-acid batteries are required to accept used batteries as trade-ins when new batteries are purchased.

**Solid Waste Management Trust Fund**

The bill creates the Solid Waste Management Trust Fund which is to be funded from an employer reporting fee depending on the average number of employees reported in the previous calendar year. Preliminary estimates are that the fee will generate approximately $25.4 million.

The bill provides for allocation of the trust fund money for grants in the following manner:

1. At least 40 percent to counties and municipalities to pay 50 percent of the costs to develop and implement, or contract with other persons to develop and implement, recycling programs, including the purchase of capital equipment for recycling and the development and implementation of composting programs (local governments could receive grants for future expenses incurred under an existing recycling program).

2. At least 20 percent to counties to pay 50 percent of the costs to develop and implement local solid waste management programs, including studies, analyses, composting programs, and problem waste management programs.

Grants available to local governments under (1) and (2) are to be distributed as follows:

1. 25% of the funds are to be distributed equally among counties.

2. 75% of the funds are to be distributed to all local governments based on population.

3. No more than 25 percent to local governments to pay 50 percent of the cost of closing, monitoring, and making improvements to existing landfills (priority in grants is to
be given to local governments under consent orders to close their landfills).

(4) No more than 10 percent for research and development on specific issues.

(5) No more than 10 percent on public education, model program development, technical assistance, and hazardous substance and waste reduction programs.

(6) No more than 5 percent to other state agencies to perform their duties required by the act.

(7) No more than $3,000,000 per year is to be used to provide grants to businesses in the state that use recyclable materials in their manufacturing processes.

DER may authorize a matching grant to counties for projects deemed to further substantially the recycling goals set in the bill, even if the counties' program has not been approved.

Not less than 90 percent of the gross annual waste tire fee imposed by the bill is to be distributed in grants for the collection of used for waste tires and volume reduction plants for the processing of used and waste tires (the remaining proceeds of the fee are to be used as necessary through the other allocation provisions of the trust fund).

**Hazardous substance reduction and waste reduction and elimination assistance program**

The bill requires the DER to establish an assistance program to help businesses, industries, and other persons in reducing the volume and toxicity of hazardous waste produced and reducing the volume of hazardous substances used in their manufacturing or business processes.

**Interlocal agreements; regional solid waste management**

The bill amends existing law to provide better control over the amounts of solid waste disposed of in a particular region or county by allowing counties to designate solid waste management facilities for the handling of waste from municipalities except where a municipality is using an existing, permitted solid waste management facility. The bill provides that a county's designation of a facility and the approval of such designation by DER as part of the county's local solid waste management program shall be upheld unless the municipality demonstrates that the designation would pose a higher financial burden on the citizens of a municipality than it would on the citizens in the unincorporated part of the county. The bill also allows a municipality to use a facility solely for recycling other than the one designated by a county. The designation of a facility cannot interfere with a local government's ability to adopt flow control ordinances for resource recovery.
The bill also allows the use of eminent domain powers where expressly authorized under an interlocal agreement and extends sovereign immunity where expressly authorized by an interlocal agreement. The interlocal agreement would have to be formed by local governments for these powers to apply.

University Solid and Hazardous Waste Management Research

The bill requires the state Board of Regents, through the Office of the Chancellor, to coordinate state university research and information dissemination on solid and hazardous waste management research. The Chancellor would be required to appoint an advisory council to oversee the coordination of research activities. The Board of Regents also would be responsible for designating a state university or universities to conduct a one-year study of the commercial packaging of products and its effects on solid waste management and litter control.

Used oil

The bill amends several sections of existing law relating to programs for recycling and reuse of used oil and creates several new sections of law to provide for: (1) prohibitions on certain uses of used oil; (2) the development of used oil collection centers; (3) the development of a grants program to local governments to encourage collection, reuse, and proper disposal of used oil; (4) the development of a statewide incentives program to encourage the return of used oil to used oil collection centers; (5) the establishment of standards, requirements, and procedures for used oil transporters; (6) the certification of used oil transporters; and (7) the permitting of used oil recycling facilities. The description of sections 27 through 39 in the Section-by-Section Analysis provides additional detail on the used oil provisions.

Waste Tire Disposal Requirements; Waste Tire Fees

The bill requires the DER to adopt rules for the permitting of waste tire collectors and processors by January 1, 1989, and authorizes DER to collect permit fees of $250 per permit. After that date, no person may collect or process waste tires in Florida without having obtained a permit from DER. Disposal of waste tires except at permitted processing or collection sites would be prohibited. Permits are not required for retail tire or tire retreading businesses with less than 1,000 tires kept onsite; tire removal businesses with less than 500 tires kept onsite; or permitted solid waste management facilities with less than 1,000 tires stored above ground. The DER is authorized to establish incentives programs for collection of waste tires.

Persons storing more than 1,000 tires on the effective date of the bill are required to provide DER with information on the storage site within 60 days of the effective date. Such sites are required to be in compliance with this section of the bill by July 1, 1989, or operations must cease. Waste tires kept at such
sites must be disposed of by July 1, 1990, at permitted tire disposal facilities.

Beginning January 1, 1989, every person selling new tires in Florida is required to pay a special fee of $1.00 per tire sold. The fee is to be imposed at the same time and using the same procedures as the general sales tax. The fee is to be reported to the Department of Revenue and is to be deposited in the Solid Waste Management Trust Fund. DER is required to establish a grants program for local governments to encourage the collection, processing, volume reduction, and the proper reuse, storage, and disposal of waste tires.

Restrictions on Beverage Containers and Plastic Shopping Bags

The bill provides that after July 1, 1989, no beverage containers shall be sold in Florida if they have detachable metal rings or tabs or if they are connected to other beverage containers by a separate holding device that is not capable of biodegrading or photodegrading within 120 days of disposal. These restrictions are to be jointly enforced by the Department of Agriculture and Consumer Services and the Department of Business Regulation as part of their normal inspection programs.

The bill also prohibits, after July 1, 1989, retail stores from providing customers with plastic shopping bags that are not photodegradable or biodegradable.

Pricing of electricity generated by public waste-to-energy facilities

The bill amends s. 377.709, Florida Statutes, which deals with advanced funding of local government waste-to-energy facilities by electric utilities. This section of the bill was developed by the Public Service Commission (PSC) to address the issue of prices paid to public waste-to-energy facilities for electricity generated by those facilities. This provision of the bill would:

(1) Allow the PSC to make a distinction between prices paid by utilities for electricity from public waste-to-energy facilities and from other cogenerators. The bill would authorize the PSC to exempt public waste-to-energy facilities from risk factors used in determining avoided capacity costs and allow level payments of capacity and energy costs; and

(2) Encourage the renegotiation of existing contracts between electric utilities and public waste-to-energy facilities.

Statewide Litter Program; Littering Penalties

The bill creates a statewide litter prevention program under the direction of a Clean Florida Commission within the Department of Transportation. The commission is to serve as the coordinating body for the statewide program, which is to involve various levels of government, local organizations, and other members of the public. The responsibilities of the commission include: (1)
development of a highly visible anti-litter campaign focusing on persons who repeatedly litter; (2) conducting an ongoing public education program on litter prevention; (3) providing grants to local governments and nonprofit organizations to implement litter prevention programs; and (4) preparing an annual report to the Governor and the Legislature on the implementation of the litter prevention program. The bill provides for state financial assistance for the establishment of a nonprofit organization called "Keep Florida Beautiful."

The bill amends existing law on penalties for littering to allow owners of private property, law enforcement officers, or any agent, employee, or tenant of the owner of the private property to detain persons violating litter laws on private property. The owner of the private property (or agent, employee, or tenant of the owner) is required to call a law enforcement officer to the scene as soon as the person littering is taken into custody. The bill provides that persons violating state litter laws be required to do litter clean up as community service on first and subsequent offenses. The penalty for second and subsequent litter law violations is established as a first degree misdemeanor. If the litter deposited in violation of state litter laws is a hazardous waste, the penalty for such an offense is established as a third degree felony.

Biohazardous Waste

The bill establishes definitions, general standards, and agency responsibilities for the management of biohazardous waste. Biohazardous waste is generally defined as any solid or liquid waste that may present the threat of infection to humans. Examples of biohazardous waste are provided in the bill in the definition of biohazardous waste, which replaces the definition of infectious waste in s. 395.002(13), F.S.

The Department of Health and Rehabilitative Services (DHRS) is given the responsibility of regulating the packaging, storage, and treatment of biohazardous waste at facilities which generate such waste. The DHRS is required to develop rules to carry out this responsibility. The DER is given the responsibility of regulating the transport and disposal or incineration of biohazardous waste from the point where the waste leaves the facility where it is generated. Both agencies are required to enter into an interagency agreement to ensure that biohazardous waste is properly managed.

The bill provides for the enforcement of biohazardous waste laws and rules under the public health protection authority of the DHRS in s. 381.031, F.S. Persons violating biohazardous waste laws or rules would be subject to existing penalties and administrative fines that may be imposed by the DHRS under the provisions of ss. 381.112 and 381.411, F.S., except that maximum fines for each day's violation may be increased from $500 to $2,500 per day.
Non-Ad Valorem Assessment Collections

The bill provides an optional, uniform method of levying and collecting solid waste management fees and all other non-ad valorem assessments. This optional method, which is taken from the current House Community Affairs Committee proposed committee bill, requires notice to the public before levying the assessment, citizen's right to protest the assessment, the inclusion of the fee on the property tax notice, and the collection by the tax certificate process. The optional method of collection may not be used until 1990.

C. Section by Section Analysis:

Section 1 -- Amends s. 403.701, F.S., to change the short title of the Florida Resource Recovery and Management Act to the Florida Solid Waste Management Act.

Section 2 -- Amends s. 403.702, F.S., to change the legislative findings of the Florida Resource Recovery and Management Act.

Section 3 -- Amends s. 403.703, F.S., to change existing definitions and add new definitions relating to solid waste management.

Section 4 Amends s. 316.003(69), F.S., to correct references.

Section 5 Amends s. 319.30, F.S., to correct references.

Section 6 Amends s. 403.704, F.S., to change existing powers and duties and add new powers and duties of the Department of Environmental Regulation for solid waste management.

Section 7 -- Amends s. 403.7045, F.S., to provide that the disposal of pathogenic wastes shall be regulated pursuant to methods authorized by the Department of Environmental Regulation; requires disposal of ash from solid waste management facilities which burn solid waste according to rules developed by DER for such disposal; requires rulemaking to be initiated by February 1, 1989.

Section 8 -- Creates s. 403.7049, to require local governments to determine the full cost for solid waste management; requires establishment of a system to inform solid waste management customers of the full cost for solid waste management; requires local governments, within four years of the effective date of the bill, to ensure that rates charged for solid waste management include the full cost; authorizes the use of alternative funding methods for purchase of capital facilities for solid waste management; allows for a delay in including full costs in rates charged for solid waste management if a local government has adopted a local option sales tax for solid waste management; authorizes local governments to charge varying disposal fees for disposal of unrecycled solid waste; authorizes local governments
to impose fees for solid waste disposal to fund solid waste management and recycling programs.

Section 9 -- Amends s. 403.705, F.S., to require the Department of Environmental Regulation to develop a state solid waste management program and implementing rules; substantially amends existing law on the purpose and content of the state resource recovery and management program.

Section 10 -- Amends s. 403.706, F.S., to require counties to develop, adopt, and implement local solid waste management programs; establishes the required content of the programs, including a recycling program, a public education program, and a special waste management program; allows development of a local solid waste management program for a region by interlocal agreement; allows joint development of recycling and solid waste management programs; requires municipalities to use solid waste management facilities designated by a county except under certain circumstances; specifies the application of the bill to authorities or special districts with solid waste management responsibilities; requires solid waste management facilities to measure solid waste by weight or by methods approved by DER; provides procedures for determination of a franchisee or other person to undertake recycling responsibilities.

Section 11 -- Creates s. 403.7061, F.S., to provide procedures for development and adoption of local solid waste management programs.

Section 12 -- Creates s. 403.7063, F.S., to provide procedures and criteria for review and approval of local solid waste management programs by the Department of Environmental Regulation; provides penalties.

Section 13 -- Creates s. 403.7064, F.S., to require municipalities to develop, adopt, and implement recycling programs; establishes the required content of the programs; provides for joint development of recycling programs by municipalities and counties; provides for development of recycling programs by two or more municipalities; provides penalties; provides procedures for determination of a franchisee or other person to undertake recycling responsibilities.

Section 14 -- Amends s. 403.7065, F.S., to provide for state agency procurement of products or materials with recycled content.

Section 15 -- Creates s. 403.7068, F.S., to authorize the Department of Environmental Regulation to request the State Treasurer to withhold funds provided by the department to counties and municipalities for failure to develop, adopt, and implement local solid waste management and recycling programs.

Section 16 -- Amends s. 403.707, F.S., to limit the exemption from solid waste permitting to disposal onsite of solid waste generated on residential property or from normal farming.
operations; allows an exemption from solid waste permitting for disposal activities permitted under other provisions of chapter 403, F.S.; modifies the exemption from solid waste permitting for construction and demolition debris; allows an exemption from permitting for disposal of clean debris as defined in the bill; authorizes the Department of Environmental Regulation to refuse to issue a solid waste disposal permit to applicants with a history of violating statutes, rules, orders, or permit conditions relating to any solid waste management facility and who is determined to be irresponsible by the DER; requires DER to define "irresponsible" by rule.

Section 17 -- Amends s. 403.708, F.S., to prohibit disposal of certain solid wastes in landfills after specified dates; prohibits the sale or distribution of products packaged in containers or packing made with fully halogenated chlorofluorocarbons; prohibits the sale or distribution in the state of plastic containers that do not have certain molded labels indicating the type of plastic used in the container.

Section 18 -- Amends s. 403.709, F.S., to establish a Solid Waste Management Trust Fund; provides for disbursement of monies in the trust fund; establishes a grant program of $3 million for the use of secondary recyclable materials in manufacturing.

Section 19 -- Amends s. 403.714, F.S., to require recycling and solid waste reduction by state agencies.

Section 20 -- Transfers s. 203.10, F.S., and renumbers it as s. 403.7215, F.S.

Section 21 -- Creates s. 403.7223, F.S., to establish a state assistance program for hazardous substance reduction and waste elimination and reduction.

Section 22 -- Amends s. 163.01, F.S., to allow the use of eminent domain powers by public agencies formed by an interlocal agreement among counties and municipalities; extends sovereign immunity to public agencies formed by an interlocal agreement among counties and municipalities.

Section 23 -- Creates s. 287.05, F.S., to require the Department of General Services (DGS) to review and revise its specifications to increase the purchase and use of recycled materials; requires the DGS to determine the feasibility of procuring certain products or materials with recycled content and to establish minimum amounts of recycled content for such products and materials; authorizes the DGS and other agencies to offer a 10 percent price preference for procurement of products or materials with specified amounts of recycled content.

Section 24 -- Amends s. 288.03, F.S., to require the Department of Commerce to assist in the promotion of markets for and the expansion of the recycling industry in Florida, and to publish an annual report on the industry and its implementation of this section.
Section 25 -- Amends s. 337.02, F.S., to require the Department of Transportation to review and revise its bid procedures and specifications to increase the purchase and use of recycled materials.

Section 26 -- Requires the Board of Regents, through the Office of the Chancellor, to coordinate state university research and information dissemination on solid and hazardous waste management; requires a one-year study of commercial product packaging.

Section 27 -- Amends s. 403.75, F.S., to change and add definitions of used oil.

Section 28 -- Amends s. 403.751, F.S., to prohibit use of used oil for road oiling, dust control, weed abatement, or other uses that may release the oil into the environment; prohibits the disposal in landfills of used oil and used oil mixed with solid waste; prohibits the mixing of used oil with hazardous substances that make it unsuitable for recycling; provides that persons who unknowingly dispose in landfills of used oil mixed with solid waste are not guilty of a violation under this act.

Section 29 -- Amends s. 403.753, F.S., to provide duties of the DER regarding procurement of recycled used oil for government use; authorizes a price preference for government purchase of used oil.

Section 30 Amends s. 403.754, F.S., to revise provisions relating to registration of persons maintaining a used oil collection facility; provides an exemption from registration as a used oil collection facility for onsite burners of on-specification used oil if the burning is done in compliance with air permits issued by DER.

Section 31 Amends s. 403.7545, F.S., to correct a reference.

Section 32 Amends s. 403.757, F.S., to direct PRIDE, Inc., and the Department of Transportation to examine the use of used oil for fuel in state buildings and in road construction activities, respectively.

Section 33 Amends s. 403.758, F.S., to correct a reference.

Section 34 Amends s. 403.759, F.S., to provide for the deposit of fines relating to used oil violations in the Solid Waste Management Trust Fund.

Section 35 Creates s. 403.760, F.S., to direct DER to encourage the establishment of public used oil collection centers and recycling programs; provides duties of such centers; provides duties of the Department of Agriculture and Consumer Services relating to used oil; provides conditions under which response action costs may not be recovered from owners or operators of used oil collection centers.
Section 36 -- Creates s. 403.761, F.S., to authorize DER to establish an incentives program for return of used oil to collection centers.

Section 37 -- Creates s. 403.763, F.S., to direct DER to develop a grants program for local governments to encourage reuse and proper disposal of used oil.

Section 38 -- Creates s. 403.767, F.S., to provide certification requirements for used oil transporters.

Section 39 -- Creates s. 403.769, F.S., to require permits for the operation, modification, or closure of a used oil recycling center; provides exemptions from used oil recycling center permits for the burning of used oil as a fuel if a valid DER air permit is in effect and if the oil is burned in compliance with federal, state, and local regulations; provides exemptions from used oil recycling center permits for the use of used oil for the beneficiation or flotation of phosphate rock.

Section 40 -- Requires permits for the collection or processing of waste tires; prohibits the disposal of waste tires except at permitted sites; specifies the application of provisions of this section to waste tire sites in existence on the effective date of the bill; provides exemptions for certain tire sellers; provides for permit fees; provides for a waste tire collection and processing incentives program.

Section 41 -- Requires persons selling new tires to pay a $1.00 fee per tire; provides duties of the Department of Revenue; provides for waste tire collection, recycling, processing, and disposal grants.

Section 42 -- Provides that no beverage containers may be sold that are sealed with detachable metal tabs or that are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable; provides definitions; provides an effective date of July 1, 1989, for these restrictions; requires the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation and the Department of Agriculture and Consumer Services to coordinate the enforcement of beverage container restrictions; provides fines for violations of the restrictions.

Section 43 -- Prohibits retail outlets from providing to customers plastic shopping bags that are not photodegradable or biodegradable.

Section 44 -- Amends s. 377.709, F.S., to provide for the establishment of an electric energy pricing program for prices paid for electricity generated by public waste-to-energy facilities.

Section 45 -- Provides for the establishment of a statewide litter prevention program; provides legislative intent;
establishes the Clean Florida Commission within the Department of Transportation; provides powers and duties of the commission.

Section 46 -- Amends s. 403.413, F.S., relating to the Florida Litter Law, to provide for detention of litterers under certain circumstances; provides for required community service of litter cleanup for litter law violators; provides additional penalties for second and subsequent littering offenses; provides additional penalties for littering of hazardous wastes.

Section 47 -- Creates s. 381.80, F.S., to require the Department of Health and Rehabilitative Services (DHRS) to regulate the packaging, storage, and treatment of biohazardous waste; requires the DER to regulate the transport, disposal, and incineration of biohazardous waste; provides definitions; requires the DHRS to adopt rules for the regulation of biohazardous waste; provides penalties and enforcement powers for violations of this section.

Section 48 -- Amends s. 395.002(13)(c), F.S., to replace an existing definition of infectious waste with a definition of biohazardous waste.

Section 49 -- Amends s. 395.0101, F.S., to correct references.

Section 50 -- Provides that state agencies and local governments should use the most cost-effective means for providing solid waste management services; encourages agencies and local governments to use private enterprise for such services where it is more cost effective.

Section 51 -- Imposes an employer reporting fee depending on the average number of employees reported in the previous calendar year.

Section 52 -- Appropriate amendments to s. 197.102, F.S., for accommodation of non-ad valorem assessment certificate procedures in the definition of "tax certificate" and "tax notice"; specifies that the bill that combines the ad valorem taxes and the non-ad valorem assessments is pursuant to the uniform method, as opposed to other methods allowed in chapter 197; defines "ad valorem tax roll" and "non-ad valorem assessment rolls"; clarifies that the tax roll and assessment roll will not be synonymous after January 1, 1989.

Section 53 -- Amends s. 197.322, F.S., to require the combined non-ad valorem assessment and notice of ad valorem taxes to conform to s. 197.3635.

Section 54 -- Amends s. 197.363, F.S., to provide property appraisers the option of continuing to place non-ad valorem assessments on the ad valorem roll if they have done so in the past.

Section 55 -- Creates s. 197.3631, F.S., effective October 1, 1989, to allow other methods of collection providing that they do
not require all the services of the property appraisers and tax collectors specified by the uniform method.


Requires local entities using the uniform method of non-ad valorem assessment to comply with certain procedures:

- Each local government levying non-ad valorem assessments must have a written agreement with the property appraiser and tax collector providing for reimbursement of administrative costs.

- The local entity must submit to the property appraiser by January 10 a copy of the ordinance authorizing the non-ad valorem assessment and a legal description of the boundaries of the area subject to the assessment. The property appraiser must furnish certain information relative to property in the area described to that local entity by June 1.

- All existing or new taxing authorities must comply with the provisions related to the hearing for approval of the non-ad valorem assessment roll.

- For new assessments, the non-ad valorem assessment roll must be adopted at a public hearing held by each local entity levying non-ad valorem assessments after proper noticing.

- Non-ad valorem assessment rolls adopted pursuant to this section must be certified to the tax collector no later than September 15 of each year.

- Provides that non-ad valorem assessments are subject to all collection provisions in chapter 197, including provisions relating to discount for early payment, prepayment by installment method, penalty for delinquent payment, and issuance of tax certificates and tax deeds for nonpayment and deferred payment.

- Provides that the sale of a tax certificate for unpaid non-ad valorem assessments shall be in accordance with s. 197.432(4), F.S., (relating to the protection from loss of homestead property when a certificate is for less than $100).

Assigns responsibility for the quality and compatibility of information on the non-ad valorem assessment roll.

Section 57 -- Creates s. 197.3635, F.S., to create requirements that specify the format and content of the combined non-ad valorem and ad valorem tax bill (the actual bill format is not included in the statute, but each form must be approved by the Department of Revenue).
Section 58 -- Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
   See HB 1700 (General Appropriations Act)

2. Recurring or Annualized Continuation Effects:
   See HB 1700 (General Appropriations Act)

3. Long Run Effects Other Than Normal Growth:
   The employer reporting fee is repealed in eight years, thereby eliminating this revenue source to the Solid Waste Management Trust Fund.

4. Appropriations Consequences:
   See HB 1700 (General Appropriations Act)

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:
   Local governments will be eligible for $20.3 million in grant assistance in FY 1988-89 for purposes identified in the bill. Any costs exceeding this grant level will have to be absorbed by local governments and are indeterminate.

2. Recurring or Annualized Continuation Effects:
   Local governments will be eligible for $24.5 million in grant assistance in FY 1989-90. Costs to local governments in excess of this amount will have to be absorbed by local governments and are indeterminate.

3. Long Run Effects Other Than Normal Growth:
   The employee reporting fee is repealed in eight years, thereby eliminating this revenue source to the Solid Waste Management Trust Fund.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:
   (1) Solid waste collection and disposal rates may increase when local governments begin charging customers the full cost for solid waste collection and disposal four years from the effective date of the bill. The increase in rates should be offset by reductions in the use of other revenue sources to

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pay for solid waste management and an increase in the avoided cost of disposal.

(2) The public may be required to pay part of the cost for new or expanded recycling and solid waste reduction services provided by local governments. Part of the costs for these programs should be offset by funds from the Solid Waste Management Trust Fund, revenues from the sale of recycled materials, and increased avoids costs of disposal of solid waste.

(3) Private industry will be affected by the employer reporting fee.

(4) The beverage industry may experience a cost increase because of the container restrictions on metal detachable tabs and container connectors. Since most beverage containers are already manufactured with nondetachable tabs and the price of degradable container connectors is not much higher than nondegradable container connectors, the conversion costs should be minimal, and limited to conversion of plant and equipment.

(5) The packaging industry may be negatively affected by the bans on containers using chlorofluorocarbons provided for in the bill. Businesses which sell products packaged in these types of materials may experience cost increases if the replacement materials for the banned materials are more expensive to use. The plastic container industry may also experience cost increases to meet the container labelling requirements.

(6) The public will probably be required to pay additional amounts for new tires purchased as a result of the waste tire fee of $1.00 per new tire sold in the state.

(7) Electric ratepayers may be required to pay an additional amount for electric service if the Public Service Commission establishes rates which would allow local governments operating public waste-to-energy facilities to receive an increase in the rates paid for electricity generated by the facilities. However, solid waste management service customers may see a maintenance of or reduction in, current solid waste disposal costs if higher rates are authorized.

2. **Direct Private Sector Benefits:**

The public should benefit from the programs in the bill through reduced energy costs from increased recycling; protection of natural resources from unnecessary consumption because of increased recycling; lower overall costs for disposing of solid waste because of the reduction in the amount of waste that must be disposed; protection of drinking water and the environment because of the prohibition of problem wastes from landfills; and a decreased need to use valuable land for solid waste disposal areas.
3. **Effects on Competition, Private Enterprise, and Employment Markets:**

Indeterminate

D. **FISCAL COMMENTS:**

None.

IV. **COMMENTS:**

None.

V. **AMENDMENTS:**

None.

VI. **SIGNATURES:**

**SUBSTANTIVE COMMITTEE:**
Prepared by: David Hawley  
Staff Director: Barry Kling

**FINANCE & TAXATION:**
Prepared by: Christian Weiss  
Staff Director: Henry C. Cain

**APPROPRIATIONS:**
Prepared by: Frank Morgan  
Staff Director: Dr. James A. Zingale
June 3, 1988

The Honorable John W. Vogt  
President of the Senate

The Honorable Jon Mills  
Speaker, House of Representatives

Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on CS/CS SB 1192, same being:

An Act relating to waste management;

having met, and after full and free conference, do recommend to their respective Houses as follows:

1. That the House recede from the House amendments to CS/CS/SB 1192.

2. That the House and Senate adopt the Conference Committee amendments to CS/CS/SB 1192 attached hereto; and by reference made a part of this report.

3. That the House and Senate pass CS/CS/SB 1192 as amended by said Conference Committee amendments, attached hereto and made a part of this report.

George Klimpavich  
Managers on the part of the Senate

Sidney Marti  
Managers on the part of the House of Representatives

Robert Crawford

Michael Friedman

Dexter Lehtinen

Peter M. Dunbar
Summary of Conference Committee Amendments to CS/CS/SB 1192

The bill represents the work product of both Houses, and contains provisions which comprehensively address waste management by state agencies, local governments, and the private sector. The major features of this legislation are as follows:

1. A statewide goal is established to reduce the amount of solid waste by 30 percent by 1994. (This represented a compromise between the 5-year goal in the Senate Bill and a 7-year goal in the House Bill.)

2. Each county shall initiate a recycling program by July 1, 1989. A majority of the newspaper, glass, plastic bottles and aluminum cans must be separated from the solid waste stream and recycled. Counties have the option of how to implement recycling programs - either at a central location or through curbside collection programs. (This was compromise language with the House Bill which required 4 out of 7 listed items to be recycled.)

3. Construction and demolition debris must be separated from the solid waste stream and segregated in separate locations at a permitted disposal site. Yard trash, white goods, construction and demolition debris, and tires shall count for no more than one-half of the waste which must be recycled to meet the recycling goals.

4. After January 1, 1989, no lead acid batteries can be disposed at landfills or waste-to-energy facilities. Retailers who sell these items must accept used lead-acid batteries as trade-ins for new lead-acid batteries.

5. Restrictions on the sale of certain types of products:
a. After January 1, 1989, the sale of beverage containers opened with detachable metal rings or tabs is prohibited.

b. After July 1, 1989, the sale of containers connected to each other by a separate plastic ring or by any other device is prohibited unless such rings are composed of material which is capable of degrading within 120 days. A notice of degradability shall be indicated on the holding device. (House/Senate language)

c. On or after October 1, 1990, any product packaged in a container or material containing fully halogenated chlorofluorocarbons is prohibited. (House language)

d. After January 1, 1990, plastic bags used for carrying items purchased by the customer are prohibited unless the bag is composed of material which is degradable within 120 days. Notice of degradability shall be printed on each bag. (House language)

e. Any polystyrene foam or plastic coated paper to be used in connection with food for human consumption is prohibited unless such products are capable of degrading within 12 months. This requirement shall be effective 12 months after such material has been certified as safe by the U.S. Food and Drug Administration and is available in commercial quantities. Businesses are encouraged to meet this requirement by January 1, 1992. (Senate language)

f. After July 1, 1992, a plastic container may not be sold or offered for sale unless it has a molded label indicating the plastic resin used to produce the container. All plastic beverage containers and all
nonsolid food liquid containers of less than 16 ounces and all rigid plastic containers of less than 8 ounces are exempt from the labeling requirement. (Senate language)

6. A new Solid Waste Management Trust Fund is created within the Department of Environmental Regulation to carry out the purposes of this act.

7. A Solid Waste Grant Program is authorized to be administered by DER to assist counties and municipalities in operating recycling and related education programs. Twenty-five percent of the funds available will be distributed as base portions grants to counties and municipalities with populations over 50,000. Seventy-five percent of the funds available will be distributed as incentive portions of grants. The incentive portion requires a 50 percent match if the county or municipality is applying individually. Small counties are exempt from this match requirement. The incentive portion will not require a match when the county applies jointly with municipalities constituting at least 75 percent of the total incorporated population within the county. The grants will be distributed based on the population of the group applying, with a county being credited for unincorporated populations. Counties and municipalities shall enter into interlocal agreements to determine how the grant funds shall be used. (These provisions represent a compromise between the House and Senate Bills.)

Specific Grant Provisions

Grants for recycling shall provide funding for capital costs and, if justified, temporary operating subsidies to assist eligible local governments in recycling paper,
glass, plastic, construction and demolition debris, white goods and in composting organic materials. Specific grant criteria are included in the legislation. Beginning in FY 1989-90, requests for grants must be justified according to specific requirements designed to insure that the local programs are adequately planned and organized.

Small County Assistance Grant Program

Counties with populations of less than 30,000 will receive $25,000 each year for 5 years. These grants can be used for purchasing weight scales and meeting other requirements of this legislation.

Recycling Awards

$750,000 will be shared among a group of local governments on a one time basis to recognize their initiatives for starting recycling programs before passage of this legislation. Criteria for eligibility are specified in the bill.

8. Rulemaking to address the management of biohazardous waste and biological waste by the Department of Environmental Regulation must be initiated by February 1, 1989. The Department of Health and Rehabilitative Services shall initiate rulemaking on the management of biohazardous waste by March 1, 1989. (The language in the bill is from the more recent Senate version.)

9. DER is directed to adopt and enforce standards for the production of compost and shall prescribe the allowable types of applications of compost for agricultural and other uses.

10. The owner or operator of any waste tire site must notify DER of the existence of such site within six months of the
effective date of the bill and initiate steps to meet the following provisions. On or after July 1, 1989, a person may not operate a waste tire site unless such site is an integral part of a permitted waste tire processing facility. A person may not dispose of waste tires unless they are disposed for processing, or collected for processing at a permitted solid waste disposal facility, a waste tire site which is an integral part of a permitted waste tire processing facility, a permitted waste tire processing facility, or a waste tire collection center. Waste tires may not be deposited in a landfill as a method of ultimate disposal. DER shall adopt rules to administer the waste tire program by January 1, 1989. A permit is not required for a tire retreading business where waste tires are kept on the business premises, a business that removes waste tires from motor vehicles if fewer than 1,000 of such tires are kept on the business premises, or a retail tire-selling business which is serving as a waste tire collection center if fewer than 1,000 waste tires are kept on the business premises. DER shall encourage the voluntary establishment of waste tire collection centers for the public at retail tire-selling businesses, waste tire processing facilities, and solid waste disposal facilities. (Senate language)

11. A fee of 50¢ is imposed on the sale of each new tire at the retail level for the period January 1, 1989 through December 31, 1989. Beginning January 1, 1990, and thereafter such fee shall be $1 per new tire sold at retail. The revenue derived from this fee shall be deposited in the Solid Waste Management Trust Fund. (Provision derived from the Senate bill)
12. The Florida House of Representatives, the Florida Senate, and the Offices of the Governor and Cabinet shall institute recycling programs in the House and Senate office buildings and the Capitol by January 1, 1989. (From the Senate Bill with modifications).

13. All state agencies are required to establish programs for recycling waste materials generated in the course of agency operations and to use composted materials when feasible. The bill requires the Department of Education, working with the DER and the state university system, to develop guidelines for recycling within the state education system. School districts in the state are required to develop programs for recycling awareness and the Department of Education is required to develop curriculum materials for recycling in all school levels. (Primarily House language).

14. DER is directed to establish qualifications for, and encourage the development of training programs for operators of landfills, coordinators of local recycling programs, and other solid waste management facilities. DER shall work with educational institutions in developing educational materials for persons wishing to be trained as operators of solid waste management facilities. A person must be appropriately trained in order to operate such a facility after January 1, 1990. (Senate language).

15. The Florida Youth Conservation Corps and local governments are encouraged to initiate programs to supplement existing DOT litter programs. (Senate language)

16. Disposal of ash from incinerators must occur in compliance with standards developed by the department. (House language)
17. Enacts certain provisions relating to used oil:

   a. Certain mixing or comingling of used oil is prohibited.

   b. The procurement of used oil by the department is encouraged.

   c. Registration requirements for transporters and collectors of used oil are clarified.

   d. The department is directed to encourage the establishment of public used oil collection centers and recycling programs. (Does not affect the obligations or liability of any person under any other provisions of state or federal law.)

   e. The department is authorized to establish an incentives program for those who change their own oil to return their used oil to a collection center.

   f. A grants program for local governments is authorized.

   g. Certification of certain used oil transporters is required.

   h. The department is directed to establish a permitting system for used oil recycling facilities by January 1, 1990. (Primarily House language)

18. Owners or operators of landfills are to establish a fee, surcharge, etc., to ensure the proper closure of their respective landfills. Revenues derived therefrom are to be deposited into an interest bearing escrow account. (Senate language)

19. The establishment of regional solid waste authorities is encouraged. The use of eminent domain is authorized for
public entities formed via interlocal agreements among counties and municipalities, and sovereign immunity is extended to entities formed in such a manner. (House language)

20. The disposal of certain animal wastes and oils is limited. (Senate language)

21. The Department of Transportation is directed to expand its current use of recovered materials in its construction programs. The department is to undertake demonstration projects to determine the feasibility of using certain recyclable materials for paving purposes. In addition, the department shall contract with the state university system for research. The department's specification and procurement procedures are to be reviewed, as well. (This represents mainly Senate language, but includes House language on review of specifications and procurement procedures.) The Department of General Services is required to evaluate products or materials normally purchased by the state to determine if products or materials with recycled content can be purchased instead. The DGS is to determine how much recycled content could feasibly be contained in such products or materials. The DGS and other agencies are authorized to grant up to a 10 percent price preference to persons bidding on public contracts that involve the purchase of materials when such persons offer materials containing a specified amount of recycled content. (House language) The DGS is required to review its procurement and bid specifications to ensure that recyclable materials, or products or materials with recycled content, are purchased or used when possible.

22. The Board of Regents, through the Chancellor, is directed to coordinate research and training activities relating to
solid and hazardous waste management conducted by state universities. There is to be an advisory board made up of representatives appointed by the presidents of the participating institutions and the Chancellor. The institutions shall conduct research and compile and disseminate information on this research to agencies and the public. The research shall cover methods and processes for recycling solid and hazardous waste, methods of treatment for detoxifying hazardous waste, and evaluation of solid and hazardous waste disposal technologies. A study of product packaging is authorized. (Primarily Senate language, with the product packaging study being derived from the House bill)

23. The Public Service Commission is directed to establish rules relating to the purchase of capacity or energy by electric utilities from solid waste management facilities.

24. A nonprofit organization with the name of Keep Florida Beautiful, Inc. is established to coordinate state, local, and private interests to curb the litter problems in the state. (Primarily House language)

25. A Clean Florida Commission is established within the Department of Transportation to be responsible for coordinating a statewide litter prevention program. (House language)

26. The Florida litter law is revised to provide the following penalties:
   a. A civil penalty of $50 for dumping 15 pounds or 27 cubic feet or less of noncommercial litter.
   b. Misdemeanor of the first degree for dumping more than 15 pounds or 27 cubic feet, but less than 500 pounds
or 100 cubic feet, of noncommercial litter. A violation involving a motor vehicle may result in a penalty of three points on the person's driver's license.

c. A felony of the third degree for dumping more than 500 pounds or 100 cubic feet of commercial litter or hazardous waste. Additional punishment may include: removing the litter from the dump site, restoration of damaged property, or community service.

A motor vehicle, vessel aircraft, container, crane, winch, or machine used to dump more than 500 pounds or 100 cubic feet of litter is contraband. A person who violates the litter provisions which are punishable as felonies, may be required to pay the injured party up to $200 for damages, and court costs and attorneys' fees. (Primarily Senate language)

27. The Department of Agriculture and Consumer Services in cooperation with the Institute of Food and Agricultural Sciences is authorized to implement composting demonstration projects. The Department of Environmental Regulation is authorized to implement seafood processing byproduct waste disposal demonstration projects. (Senate language)

28. The Applications Demonstration Center for Resource Recovery from Solid Organic Materials is created to demonstrate technologies for reducing eutrophication of water bodies which results from conventional solid waste treatment, for extracting nutrients from wastewater and sludge, and for producing methane gas and compost from solid waste. (Senate language)
29. Local governments and state agencies are encouraged to provide solid waste services in the most cost-effective manner and to contract with private persons for such services. Counties and municipalities shall not discriminate against privately owned solid waste management facilities. (House/Senate compromise language)

30. Provides procedures for collection of combined non-ad valorem and ad valorem assessments.

31. Imposes a 10¢ per ton disposal fee on newsprint, allowing equal refunds for over runs and use of recycled newsprint. By October 1, 1992, if the Department of Environmental Regulation determines that newsprint is being recycled at a rate of less than 50 percent of the quantities represented in the waste stream, the newsprint disposal fee shall be increased to 50¢ per ton with equal credits as described above. These provisions shall be repealed October 1, 1995, and subject to review prior to that date. (Senate language)

32. On October 1, 1992, if the Department of Environmental Regulation determines that containers made of glass, plastic, plastic coated paper, aluminum, or other metals which are sold in the state are not being recycled at a sustained rate of 50 percent of the quantities sold, then an advance disposal fee of 1¢ per container shall be charged by retail establishments on those containers. Such containers may be returned to recycling centers for a refund. If the Department of Environmental Regulation determines by October 1, 1995, that such containers are not being recycled at a rate of 50 percent of the quantities sold, then the advance disposal fee shall increase to 2¢ per container and specific labeling, redemption, and
information requirements shall apply. (Senate language, except for inclusion of plastic-coated paper)

33. Dealers who collect sales tax shall be allowed to keep 2.5 percent of the amount for compensation for collecting the tax, unless the amount of tax due for the reporting period exceeds $1,200 and then the allowance shall be reduced to 0.83 percent for all amounts in excess of $1,200. (Senate language)

34. Each person who holds a sales tax certificate of registration and who had taxable sales during the preceding calendar year of $30,000 or more shall pay a registration fee of $25 or $50 depending on the amount of taxable sales. (Senate language)

35. A sales tax credit is provided for industrial machinery and equipment purchased after July 1, 1988, for use in manufacturing plants if such equipment is integral to recycling, expressly designed to utilize recyclable materials, and is directly utilized to increase consumption of Florida recyclable materials by not less than 10 percent. The exemption is available by refund after the first full year of production. (Senate language)

36. The establishment of recycling and solid waste reduction programs shall be required within each state agency, the legislative and judicial branches of state government, and the state university system, by September 1, 1989. Directs agencies responsible for the maintenance of public lands to give preference to the use of compost materials in all such maintenance performed with public funds; requires the Department of Education to develop a recycling and solid waste reduction program that at least addresses solid waste generated in administrative offices, classrooms,
dormitories, and cafeterias. The Department of Agriculture and Consumer Services is directed to investigate the potential markets for composted materials. (House/Senate language)

37. Authority is granted to DER to refuse to issue solid waste permits to repeat violators of solid waste regulations.
## Summary of Financial Features

### REVENUE GENERATION FEATURES:

1. Beginning January 1, 1989, a charge of 50 cents per tire at the retail level. Beginning January 1, 1990, the charge will be increased to $1.00 per tire. 

2. A special fee of 10 cents per ton of newsprint charged to publishers. (A credit of 10 cents per ton of newsprint may be claimed for newsprint which has been collected from persons for recycling.)

3. Rollback of windfall on sales tax collections and creation of registration fees for businesses paying sales tax. First year revenue will not be as great as the estimated $22.5 annual amount.

4. Transfer from the oil overcharge settlement funds in the Grants and Donations Trust Fund in the Governor's Energy Office to the Solid Waste Management Trust Fund.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 1988-89</td>
<td></td>
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<td></td>
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### APPROPRIATIONS FEATURES:

1. Appropriates $25 million for grants to local governments for operating recycling and education programs. 

2. Appropriates $3.7 million for grants relating to recycling waste tires.

3. Appropriates $2.5 million to DER to carry out the Used Oil Recycling provisions.

4. Appropriates $750,000 for recycling awards to local governments which exhibited an interest to reduce the volume of solid waste through recycling activities prior to passage of this act.

5. Appropriates $675,000 for grants of $25,000 to counties with populations of 30,000 or less for solid waste management and recycling activities. Such grants would end in 1993.

6. Appropriates $500,000 for use by the Board of Regents to coordinate research activities among State and private universities to help solve solid waste management problems.
7. Appropriates $100,000 to Department of Agriculture and Consumer Services to work with Institute of Food and Agricultural Sciences for demonstration projects on composting yard trash from a typical municipal waste stream. $ 100,000

8. Appropriates $500,000 to the Department of Environmental Regulation for a demonstration project on alternative methods for disposing of seafood processing by-products. $ 500,000

9. Appropriates $150,000 to PRIDE to determine the feasibility of having certain correction facilities serve as waste tire processing facilities to produce products from waste tires for resale. Also to determine the feasibility of having certain correction facilities serve as processing facilities for recycling plastic materials recovered from the local government solid waste stream and which may be used for products by the Department of Transportation and other state agencies. $ 150,000

10. Appropriates $850,000 and authorizes 15 positions for the Department of Environmental Regulation to carry out its responsibilities of this act. $ 850,000

11. Appropriates $50,000 and authorizes 2 positions for the Department of Health and Rehabilitative Services to carry out its biohazardous responsibilities of this act. $ 50,000

12. Appropriates $200,000 and authorizes 3 positions for the Department of General Services for its responsibilities for recycling programs. $ 200,000

13. Appropriates $110,000 and authorizes 3 positions for the Department of Revenue for its responsibilities in this legislation. $ 110,000

14. Appropriates $1,000,000 to the Department of Transportation for the Clean Florida Commission and other litter program responsibilities. $1,000,000

15. Appropriates $90,000 to the Department of Natural Resources for the Youth Conservation Corps litter clean-up program. $ 90,000

SUBTOTAL $3,225,000

OTHER APPROPRIATION FEATURES:

$225,000 in the Professional Regulation Trust Fund is reserved to undertake research or contract for research, to determine ways to use ground rubber from used tires in roofing materials and other building construction applications, and to determine ways to demonstrate the use of
recycled, comingled plastic products in Florida building applications, such as dock facilities, agricultural structures, or ornamental landscaping. $225,000

$750,000 is transferred from the Florida High Technology Innovative Research Trust Fund to the Solid Waste Management Trust Fund to demonstrate applications and products from recyclable materials including plastics, tires, roofing materials and others designated by the Department of Environmental Regulation. No later than June 30, 1989, the sum of $1,000,000 shall be transferred from the Solid Waste Management Trust Fund to the Florida High Technology Innovation Research and Development Trust Fund. ($250,000)
BIL #: PCB NR 88-2

RELATING TO: Solid waste management

SPONSOR(S): Natural Resources and Representative Martin

EFFECTIVE DATE: October 1, 1988

COMPANION BILLS: None

OTHER COMMITTEES OF REFERENCE: (1) (2)

I. SUMMARY OF BILL AS INTRODUCED:

A. Present Situation:

Solid Waste Management Problems and Costs

The mismanagement of solid waste\(^1\) can create serious problems for Florida's environment and for the health of the citizens of the state. Solid waste that is poorly managed can cause contamination of groundwater and surface waters; allow migration of landfill gases; create wind-blown litter and debris; require more land than would otherwise be needed for disposal; and require the expenditure of millions of dollars for remedial cleanup. Increased generation of solid waste, from both a growing population and the increased use of disposable materials, can magnify the adverse effects of the mismanagement of solid waste as well as consume valuable natural resources.

Environmental and public health problems caused by the mismanagement of solid waste are beginning to appear in Florida and nationwide. According to a 1985 report on solid waste landfill closure prepared by the University of Florida, 40 sites on the Florida Hazardous Waste Sites List are or were solid waste landfills. A draft document from the Department of Environmental

\(^1\)Section 403.703(9), Florida Statutes, defines solid waste as "sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations."
Regulation (DER) reports that 25 percent of the sites on the federal Superfund Cleanup List are old, leaking landfills. A 1987 draft study prepared by the University of Florida for the South Florida Water Management District found that there are approximately 3,500 acres of leaking landfills in south Florida that are releasing approximately two million gallons of concentrated leachate per day that could contaminate groundwater supplies.

Disposal of certain problem wastes or other wastes that are difficult to manage has increased the potential for environmental damage and increased the cost for disposal. These wastes (and the amounts generated per year according to a draft document provided by the DER) include:

-- Lead acid batteries (3 to 4 million). These batteries (batteries from motor vehicles) are often buried in landfills and burned in waste-to-energy facilities when recycling is not cost feasible. Contamination of water supplies from lead and acid, and emissions and ash containing high levels of lead, may result from this practice.

-- Discarded tires (15 million). Discarded tires consume excessive volumes of landfill space and may not completely burn in an incinerator. Discarded piles of tires can serve as breeding grounds for mosquitos and can be a fire hazard.

-- Discarded white goods (1 to 2 million). These items, such as old refrigerators, stoves, etc., often end up being illegally dumped or illegally disposed of because of the volume of landfill space they consume and the difficulty in processing such goods for disposal or burning.

-- Used oil (8 to 9 million gallons unaccounted for each year). Used oil that is unaccounted for most likely is disposed of illegally. The used oil can be hazardous depending upon the substances it contains.

-- Infectious or pathogenic waste that is not properly disposed of may pose a potential health threat to the public through contamination of water supplies or by direct contact. Such waste may also pose a health threat to solid waste management workers from handling improperly treated waste.

-- Construction and demolition debris, which is exempt from permitting in Florida, may contain potentially harmful wastes such as paints and solvents. Construction and demolition debris dumps tend to attract illegal or potentially harmful wastes and can create disposal problems for local governments.

The costs to government and the public for providing proper management of solid waste are substantial. A 1986 report by the DER entitled Report on the Potential for Solid Waste Management Grants estimated the average cost for solid waste management in Florida in 1985 to be $20.01 per ton, or an estimated total
statewide cost in 1985 of more than $250 million. In many instances, these costs are not fully borne by the persons receiving the solid waste management service. Of the 58 counties responding to survey questions from the DER relating to solid waste management financing, 19 indicated that their solid waste disposal costs were met completely by tipping fees; 13 met disposal costs with ad valorem revenues or general fund monies; and 1 met disposal costs with user fees. The remaining 25 counties used some combination of these revenue sources along with federal revenue sharing funds and state funds to meet solid waste disposal costs. Experts believe that people will not have the incentive to reduce the amount of waste they dispose of if they are unaware of what it actually costs them for solid waste collection and disposal.

To meet stringent state requirements for construction of landfills in Florida, most new landfills must have liners and leachate, stormwater, and landfill gas controls. New landfill construction costs in 1985 were estimated by the DER to average $73,500 per acre. Costs may vary depending on the characteristics of a landfill site. For example, the DER reports that the landfill construction cost for a site in Palm Beach County is estimated at $400,000 per acre.

Landfill closure rules adopted in 1985 require that full landfills be properly closed using methods for controlling infiltration of rainwater and controlling stormwater runoff, leachate, and landfill gas. Based on 1985 information, the DER has estimated that the average initial costs for closure of landfills in Florida range from $65,000 to $150,000 per acre.

The estimated cost of constructing a waste-to-energy facility is approximately $100,000 per design ton. Using this estimate, the proposed 3,000 ton per day facility being considered by Jacksonville could cost $300 million to construct.

The high costs incurred for solid waste management are prompting some local governments to examine the option of forming regional organizations for solid waste management. Although regionalization of solid waste management responsibilities appears attractive, questions have been raised about (1) the financial capability of regional organizations; (2) the ability of regional organizations to site solid waste management facilities; (3) the ability of regional organizations to control the flow of solid waste in a region; and (4) the potential liability for problems with regional facilities.

Beverage containers are perceived both as part of the solid waste stream and as a large part of the subcategory of solid waste identified as litter. Currently, there is no refund value required by law on beverage containers sold in Florida. However, several beer manufacturers require a deposit for their containers.
Solid Waste Generation and Disposal

The Department of Environmental Regulation has provided a draft document that shows the average solid waste generation rate in Florida to be slightly more than seven pounds of solid waste per day per person. Statewide, approximately 42,000 tons per day or 15.3 million tons per year of solid waste are generated. By the year 2000, it is projected that nearly twice the amount of solid waste generated today, or 30 million tons, will be generated.

The composition of solid waste disposed of in Florida varies throughout the state. According to a recent report by the Research Center for Waste Utilization at the Florida Institute of Technology and correspondence from the Pinellas County Solid Waste Management Division, the composition of solid waste in Brevard County and Pinellas County is as follows:

<table>
<thead>
<tr>
<th>Waste Component</th>
<th>Brevard</th>
<th>Pinellas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper</td>
<td>37%</td>
<td>30%</td>
</tr>
<tr>
<td>Cardboard</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>Plastics</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Cloth</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Vegetation</td>
<td>17</td>
<td>42</td>
</tr>
<tr>
<td>Wood</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Glass</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Metals</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Miscellaneous (food, dirt, etc.)</td>
<td>8</td>
<td>5</td>
</tr>
</tbody>
</table>

According to a draft DER document, the ratio of disposal practices for solid waste generated in Florida is about 65 percent landfill, 25 percent incineration or waste-to-energy, and 10 percent recycling or other method. The DER's estimation of recycling in Florida is based on a 1980 survey of the recycling industry. The department is currently updating this survey to determine the present rate of recycling in the state.

There are currently about 170 permitted landfills in the state. In 1975, there were over 500 permitted landfills. A reduction in the number of permitted landfills in the state is expected as costs for construction and closure rise and the siting of landfills becomes more difficult. Of the 9,400 acres of active, permitted landfills existing in 1987, 3,160 acres (or 33 percent) are scheduled to close by 1995.

There are nine operating waste-to-energy facilities in the state burning approximately 9,000 tons of solid waste per day. An additional seven facilities may be operating by 1992, bringing the state's total capacity for waste-to-energy facilities to 22,000 tons of solid waste burned per day.

The DER estimates that 10 percent of the solid waste in the state is recycled based on a 1980 survey showing that 1.1 million tons of paper, glass, and metal were recycled and consumed in Florida. There are no definitive recent figures on the recycling rate in Florida.
Current Solid Waste Management Requirements

The Florida Resource Recovery and Management Act (part IV, chapter 403, Florida Statutes), was passed by the Legislature in 1974 to "promote the application of resource recovery systems which preserve and enhance the quality of air, water, and land resources." Among other things, the act required the DER to adopt a state program for resource recovery and management by 1976 and required local governments to prepare local resource recovery and management programs by 1978. The state program was adopted by rule in 1976 (part II, chapter 17-7, Florida Administrative Code). The state resource recovery and management program primarily consists of requirements for the contents of local resource recovery and management programs submitted to the DER and guidelines on what should be in a local program.

The act was amended in 1976 to require the designation of only certain counties which were to prepare local resource recovery and management programs. Nineteen counties were designated by rule to prepare programs. All of these counties submitted programs to the DER for approval by 1981. Six counties have submitted updated programs to DER since 1981.

Since it was enacted in 1974, the Florida Resource Recovery and Management Act has been amended several times to provide additional requirements for solid and hazardous waste management. In 1980, chapter 80-302, Laws of Florida, expanded the act to add requirements for hazardous waste management. In 1983, chapter 83-310, Laws of Florida, amended several sections of the act relating to hazardous waste management and added provisions on closure of resource recovery and management facilities, disposal of solid waste on a person's own property, and disposal of solid waste near Class I surface waters. In 1984, chapter 84-338, Laws of Florida, amended the act to require consideration of the cost-effectiveness of landfill construction and closure methods and to allow the DER to issue variances from closure rules under certain circumstances.

In general, part IV of chapter 403, F.S., contains provisions relating to the state resource recovery and management program; local resource recovery and management programs; procurement of recovered materials by state agencies; permitting of resource recovery and management facilities; prohibitions and penalties relating to solid waste disposal; a resource recovery and management trust fund; the use of revenue bonds for development of resource recovery and management facilities; the transport of solid waste; the development of a paper recycling program by the Department of General Services; certification of resource recovery equipment for sales tax credits; and requirements relating to hazardous waste management and used oil collection and recycling.

Other actions have been taken over the past twelve years in attempts to provide for proper solid waste management and disposal. Some of these actions include:

STANDARD FORM 10-30-87
Bill #: PCB NR 88-2  
Date: March 1, 1988

(1) Passage of the federal Resource Recovery and Conservation Act of 1976 (RCRA). Subtitle D of RCRA provided limited federal supervision of state and local solid waste management. Under Subtitle D, states were required to prepare and submit solid waste management plans to the U.S. Environmental Protection Agency (EPA).

(2) Publication of the Florida Solid Waste Management Plan in 1981 in response to Subtitle D of RCRA. The plan has not been updated since its publication due to lack of funding.

(3) Passage of amendments to RCRA in 1984. Most of the amendments related to hazardous waste management. The amendments did require a study by the U.S. EPA of existing federal guidelines and criteria for solid waste management and disposal facilities by November 1987. EPA has prepared a draft study of the federal guidelines and criteria. A final study is expected to be released in April 1988.

(4) Adoption by the DER in 1985 of rules (part I, chapter 17-7, Florida Administrative Code) for the construction, closure, and monitoring of landfills and requirements for volume reduction plants, transfer stations, and resource recovery facilities.

Part IV of chapter 403, F.S., does not specifically address the issue of ensuring that beverage containers made of recyclable materials are recycled. Section 403.413, F. S., prohibits the placing of any litter in any public area (on land or in water) and provides penalties for littering, but does not specifically address beverage containers as part of the litter problem.

Solid waste management options

Although Florida law encourages the state and local governments to provide for recycling, the traditional reliance on landfills and the increased use of waste-to-energy facilities for disposal of solid waste have led to limited development of programs for recycling and reducing solid waste amounts prior to processing or disposal. There has not been a statewide focus on recycling of solid waste and reducing the amount of solid waste which ultimately must be disposed.

Several studies have reported the potential environmental and financial benefits of recycling and solid waste reduction.

According to a 1987 paper by the Worldwatch Institute entitled Mining Urban Wastes: The Potential For Recycling, the environmental benefits derived from substituting secondary (recycled) materials for virgin resources is as follows:

<table>
<thead>
<tr>
<th>Environmental Benefit</th>
<th>Aluminum</th>
<th>Glass</th>
<th>Paper</th>
<th>Steel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduction of:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy use</td>
<td>90-97%</td>
<td>4-32%</td>
<td>23-74%</td>
<td>47-74%</td>
</tr>
<tr>
<td>Air pollution</td>
<td>95</td>
<td>20</td>
<td>74</td>
<td>85</td>
</tr>
<tr>
<td>Water pollution</td>
<td>97</td>
<td>--</td>
<td>35</td>
<td>76</td>
</tr>
</tbody>
</table>
In terms of financial benefits, a 1985 survey done by the Pennsylvania Department of Environmental Regulation showed that the cost for programs of curbside collection of recyclable material in 33 communities in Pennsylvania averaged $23.18 per ton of recycled material. The average tipping fee of the communities was $31.46 per ton, or $8.28 more than the cost of curbside collection. After adding the revenues received from selling the recycled materials to the avoided cost of disposing of the material, it was found that the recycling programs made an average profit of $26.77 per ton of recycled material.

The effectiveness of recycling and solid waste reduction programs, however, is dependent on several factors, including the cost of alternative disposal methods, participation rates, available markets for recycled materials, and rates paid for recycled materials. Fluctuations in the price paid for a recycled material are common. Markets for recycled materials may not be available within a reasonable distance from where the materials are collected.

If recycling rates are to be increased in Florida, efforts should be made to enhance public and private markets for recycled materials and products made from recycled materials. Government procurement procedures could be revised to encourage purchase of materials with recycled content. According to a 1980 report prepared by the DER entitled The Procurement of Products Containing Recycled Materials, the estimated annual expenditure by the state in 1980 for products that potentially could contain recycled material was over $43 million. In addition, a price preference could be provided to contract bidders providing materials with some recycled content.

Private markets could be enhanced through the use of tax refunds or credits for using recycled material in manufacturing processes or for exporting recycled material to processing facilities in other states. Economic development programs of the state could be used to determine the marketability of recycled materials and encourage the siting in Florida of businesses that use recycled materials in manufacturing processes.

Finally, public awareness of the need for recycling, solid waste reduction, and proper solid waste management should be increased. State and local programs of public education on solid waste management should be developed.

B. Effect of Proposed Changes:

Short title, legislative intent, powers and duties of the Department of Environmental Regulation, and definitions

The bill substantially amends the Florida Resource Recovery and Management Act (part IV, chapter 403, F.S.). The legislative
intent of the act is amended to require safe, proper, and environmentally sound solid waste management rather than just resource recovery and management. Intent language is added to ensure that solid waste reduction, recycling, and public education on waste reduction and recycling are given consideration in solid waste management programs.

The bill amends the powers and duties of the DER to place greater emphasis on solid waste reduction and recycling.

The bill amends several existing definitions relating to solid waste and resource recovery. The bill adds definitions of municipal solid waste, recyclable material, transfer station, problem wastes, clean debris, solid waste processing, sludge, white goods, free liquid waste, and pathogenic waste.

**Disposal of ash from solid waste management facilities that burn solid waste**

The bill provides that, under certain circumstances, ash from solid waste management facilities that burn solid waste should be disposed of in separate sections of a solid waste disposal area specifically designed for the ash or, alternately, used in making construction material. The DER is required to develop rules for the disposal of the ash. According to the DER, this currently is the department's policy but it is not required by state law.

**Full cost accounting**

The bill provides that within one year of the effective date of the act, local governments are to determine the actual total cost incurred by the local government for collection and disposal of solid waste and develop a system to inform their residents of the actual total cost. After six years, local governments are required to ensure that the rates charged to their residents for collection and disposal reflect the actual total cost for collection and disposal. The calculation of the actual total costs would include revenues received from recycling programs. This would ensure that solid waste management customers are aware of and paying for the actual cost of collection and disposal.

The bill also allows counties and municipalities to charge tipping fees that may vary based on the amount, type, and characteristics of recyclable materials contained in solid waste brought to landfills or waste-to-energy facilities for disposal or processing.

The bill allows counties and municipalities to assess fees in addition to tipping fees to help pay for local solid waste management and recycling programs.

**State solid waste management program**

The bill amends existing law which requires the development of a state solid waste management program. The bill requires the DER to develop a state solid waste management program and adopt the
rules necessary to implement the program. The purposes of the program include: (1) providing for safe and orderly management of solid waste; (2) encouraging the regionalization of solid waste management programs; (3) providing planning, technical, and financial assistance to local governments and state agencies for solid waste management and recycling; (4) developing public awareness of and participation in programs for solid waste reduction and recycling; and (5) developing various technical assistance programs for determining the actual total cost for solid waste collection and disposal, for local solid waste management, and for recycling. The DER is required to prepare an annual report on the status of solid waste management in the state.

**Local solid waste management program development and review**

The bill amends existing law to require all counties to develop, adopt, and implement local solid waste management programs.

The programs are to be adopted by resolution and submitted to DER for approval within two years from the effective date of the act according to a schedule developed by DER. Counties are encouraged to enter into interlocal agreements with other counties and municipalities to prepare a single local solid waste management programs for a region.

The local solid waste management programs are to be designed to achieve sufficient reduction of solid waste and municipal solid waste to meet separate reduction goals for solid waste and municipal solid waste disposed of in a county. Each county is required to achieve, at a minimum:

1. At least a 15 percent reduction of each type of waste within three years of the effective date of the bill;
2. At least a 25 percent reduction of each type of waste within five years of the effective date of the bill; and
3. At least a 35 percent reduction of each type of waste within seven years of the effective date of the bill.

The local solid waste management programs are to contain a county recycling program for the service area of the county. The recycling programs can be in one of several forms, depending on the waste characteristics of a particular county. The recycling programs can consist of: (1) a system of separating and collecting recyclable materials, at the site of a landfill or waste-to-energy facility, before landfilling or burning; (2) a system of separation and collection sites throughout a county for recycling; (3) curbside collection of recyclable materials, which have been separated by a homeowner or business, at least once a month; or (4) an alternative system of recycling that meets the requirements of the act and that is approved by the DER. In addition to yard trash, the recycling programs must focus on at least four of the following materials: glass,
aluminum, steel and bimetallic materials, newsprint, office paper, corrugated paper, and plastics.

The bill allows counties to enter into written agreements or contracts with any person (including a municipality) under which that person would develop and implement the county's recycling program. Counties are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

The local solid waste management programs are to contain a public education program on recycling and waste reduction.

The local solid waste management programs are to be developed under a system of county and municipal cooperation. After adoption of the programs by the counties, the programs must be ratified by more than one-half of the municipalities in a county representing more than one-half of the population of the county. Adopted and ratified programs are to be submitted to the DER for approval. If the programs are not ratified, the counties are required to revise the programs to address the municipalities' concerns or provide written responses to the municipalities explaining why the program was not revised. Adopted and ratified revised programs are to be submitted to the DER for approval. Revised programs that are adopted but not ratified are sent to the DER for approval along with a statement of objections from the municipalities which did not ratify the program.

The DER may approve the programs or disapprove the programs and return them to the appropriate counties for revision. If the programs are not revised, they may still be implemented, but the county loses eligibility for grants from the Solid Waste Management Trust Fund.

If a county refuses to develop, adopt, and implement a local solid waste management program, the county loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from the DER for any other purpose withheld.

**Municipal recycling programs**

The bill requires municipalities of 5,000 or more people to develop, adopt, and implement recycling programs. The recycling programs are to be developed in the same manner as the recycling programs described under the local solid waste management programs that are to be prepared by the counties. Municipalities of less than 5,000 people do not have to develop and adopt recycling programs but may do so in order to obtain grants from the Solid Waste Management Trust Fund.

The bill allows for municipal recycling programs to be incorporated into the local solid waste management programs of counties. Incorporation of these programs can only be accomplished under a written agreement between a county and a municipality.
The bill allows municipalities to enter into written agreements or contracts with any person (including a county) under which that person would develop and implement the municipality's recycling program. Municipalities are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

Municipal recycling programs developed and adopted independently of county local solid waste management programs would have to be approved by the DER. Programs that are disapproved by DER may be revised by the municipality. If the municipality refuses to revise its program, the program could be implemented but the municipality would lose eligibility for grants from the Solid Waste Management Trust Fund.

If a municipality refuses to develop, adopt, and implement a recycling program, the municipality loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from DER for any other purpose withheld.

**Procurement of products with recycled content by government agencies; review of specifications by government agencies for using materials with recycled content; recycling of materials by state agencies and the state educational system**

The bill requires state agencies, agencies of political subdivisions of the state that receive state funds, or any person contracting with such agencies to give a 10 percent price preference to persons bidding on public contracts that involve the purchase of materials when such persons offer materials containing a specified amount of recycled content.

The bill requires the Department of General Services and the Department of Transportation to review their procurement and bid specifications, respectively, to ensure that recyclable materials, or products or materials with recycled content, are purchased or used when possible.

The bill requires all state agencies to establish programs for recycling waste materials generated in the course of agency operations and to use composted materials when feasible. The bill requires the Department of Education, working with the DER and the state university system, to develop guidelines for recycling within the state education system.

The bill requires the Department of Commerce to promote the expansion of the recycling industry in Florida, analyze markets for recyclable materials, and promote the development of businesses that use recyclable materials.

**Permits and prohibitions**

The bill amends existing law to exempt from permitting the disposal of solid waste generated by persons from their residential property on their own property. Current law allows any person to dispose of solid waste on their own property,
regardless of whether it is solid waste from residential activities or disposed on residential property.

The bill amends existing law to remove the exemption from permitting for construction and demolition debris. The bill instead exempts clean debris, as defined in the bill, from permitting for disposal. The bill also allows the DER to refuse to issue a permit for a solid waste management facility to an applicant who has repeatedly violated statutes, rules, orders, or permit conditions pertaining to solid waste management facilities.

The bill prohibits the disposal in landfills of certain problem waste after a specified date. Problem wastes prohibited include: lead acid batteries (1989); used oil (1990); whole scrap tires (1992); yard trash, except in designated landfills and except where the yard trash will be used at a composting facility (1992); white goods, meaning discarded refrigerators, washing machines, and other large appliances (1992); and free liquid waste (1992).

**Solid Waste Management Trust Fund**

The bill creates the Solid Waste Management Trust Fund which is to be funded from two sources:

1. A $1.50 solid waste management fee to be assessed on each ton (or, where solid waste is measured by volume, four cubic yards) of solid waste disposed of at a landfill or processed at a waste-to-energy facility. The fee is not assessed on disposal of process waste (ash) from a waste-to-energy facility. Preliminary estimates are that the fee will generate approximately $16.5 million.

2. A product waste disposal fee to be assessed on the retail sales of tangible personal property in the state at a rate of 2-cents per $100. The fee is not assessed on admissions, rentals, telecommunications, or utilities. Preliminary estimates are that the fee will generate approximately $23 million.

The bill provides for allocation of the trust fund money for grants in the following manner:

1. At least 40 percent to counties and municipalities to pay 50 percent of the costs to develop and implement recycling programs, including the purchase of capital equipment for recycling;

2. At least 20 percent to counties to pay 50 percent of the costs to develop and implement local solid waste management programs, including studies, analyses, composting programs, and problem waste management programs;

3. No more than 25 percent to local governments to pay 50 percent of the cost of closing, monitoring, and making

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improvements to existing landfills (priority in grants is to be given to local governments under consent orders to close their landfills);

(4) No more than 5 percent for research and development on specific issues;

(5) No more than 10 percent on public education, model program development, technical assistance, and hazardous substance and waste reduction programs;

(6) No more than 5 percent to other state agencies to perform their duties required by the act;

(7) No more than $1,000,000 per year is to be appropriated to a Division of Solid and Hazardous Waste Management to be created at the Florida Water Resources Research Center; and

(8) No more than $3,000,000 per year is to be used to provide refunds to businesses in the state that use recyclable materials in their manufacturing processes for taxes paid under the Corporate Income Tax provisions of chapter 220, F.S.

Hazardous substance reduction and waste reduction and elimination assistance program

The bill requires the DER to establish an assistance program to help businesses, industries, and other persons in reducing the volume and toxicity of hazardous waste produced and, where feasible, reducing the volume of hazardous substances used in Florida.

Interlocal agreements; regional solid waste management

The bill amends existing law to provide better control over the amounts of solid waste disposed of in a particular region or county by allowing counties to designate disposal areas for the disposal of waste from municipalities except where a municipality is using an existing, permitted disposal area. The bill also allows the use of eminent domain powers where expressly authorized under an interlocal agreement and extends sovereign immunity where expressly authorized by an interlocal agreement. These amendments are based on suggestions made by a group of thirteen counties in northcentral Florida that are currently developing a regional strategy for solid waste management.

Division of Solid and Hazardous Waste Management of the Florida Water Resources Research Center at the University of Florida

The bill creates a Division of Solid and Hazardous Waste Management of the Florida Water Resources Research Center at the University of Florida. The division is assigned various research and technical assistance responsibilities, including the evaluation of the packaging of materials and their effect on solid waste management and litter control.
Used oil

The bill amends several sections of existing law relating to programs for recycling and reuse of used oil and creates several new sections of law to provide for: (1) the development of used oil collection centers; (2) the development of a grants program to local governments to encourage collection, reuse, and proper disposal of used oil; (3) the development of a statewide incentives program to encourage the return of used oil to used oil collection centers; (4) the establishment of standards, requirements, and procedures for used oil transporters and recyclers; (5) the certification of used oil transporters; and (6) the permitting of used oil recycling facilities.

Beverage container legislation

The bill provides modified beverage container legislation. The bill requires that refund values, which go into effect on July 15, 1993, be placed on metal, plastic, and glass beverage containers. The refund values are 5-cents for each container with a volume of 16 ounces or less and 20-cents for each container with a volume greater than 16 ounces but less than one gallon. The Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation is responsible for enforcing the refund value requirement.

Any distributor or manufacturer of a category or subcategory of beverage container may petition the Governor and Cabinet for a four-year exemption from the refund value requirement if they can show that a particular category or subcategory of beverage container has achieved a recycling rate of at least 60 percent in at least one of the last three years prior to the petition. Provisions are made for extensions of these exemptions.

The bill provides that after January 1, 1989, no beverage containers shall be sold in Florida if they have detachable metal rings or tabs or if they are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable. These restrictions are to be jointly enforced by the Department of Agriculture and Consumer Services and the Department of Business Regulation as part of their normal inspection programs.

C. Section by Section Analysis:

Section 1 -- Amends s. 403.701, Florida Statutes, to change the short title of the Florida Resource Recovery and Management Act to the Florida Solid Waste Management Act.

Section 2 -- Amends s. 403.702, Florida Statutes, to amend the legislative findings of the Florida Resource Recovery and Management Act.
Section 3 -- Amends s. 403.703, Florida Statutes, to change existing definitions and add new definitions relating to solid waste management.

Section 4 -- Amends s. 403.704, Florida Statutes, to change existing powers and duties and add new powers and duties of the Department of Environmental Regulation for solid waste management.

Section 5 -- Amends s. 403.7045, Florida Statutes, to provide that the disposal of pathogenic wastes shall be regulated pursuant to methods authorized by the Department of Environmental Regulation.

Section 6 -- Creates s. 403.7047, Florida Statutes, to require disposal of ash from solid waste management facilities which burn solid waste in designated solid waste disposal areas until federal determination of disposal methods.

Section 7 -- Creates s. 403.7049, to require local governments to determine the actual total costs for solid waste collection and disposal; requires establishment of a system to inform solid waste collection and disposal customers of the actual total cost for collection and disposal; requires local governments, within six years of the effective date of the bill, to ensure that rates charged for collection and disposal of solid waste include the actual total cost; authorizes local governments to charge varying disposal fees for disposal of unrecycled solid waste; authorizes local governments to impose fees for solid waste disposal to fund solid waste management and recycling programs.

Section 8 -- Amends s. 403.705, Florida Statutes, to require the Department of Environmental Regulation to develop a state solid waste management program and implementing rules; substantially amends existing law on the purpose of the state resource recovery and management program.

Section 9 -- Amends s. 403.706, Florida Statutes, to require counties to develop, adopt, and implement local solid waste management programs; establishes the required content of the programs, including a recycling program and a public education program; allows development of a local solid waste management program for a region by interlocal agreement; requires municipalities to use solid waste management facilities designated by a county except under certain circumstances.

Section 10 -- Creates s. 403.7061, Florida Statutes, to provide procedures for development and adoption of local solid waste management programs.

Section 11 -- Creates s. 403.7063, Florida Statutes, to provide procedures and criteria for review and approval of local solid waste management programs by the Department of Environmental Regulation; provides penalties.
Section 12 -- Creates s. 403.7064, Florida Statutes, to require municipalities to develop, adopt, and implement recycling programs; establishes the required content of the programs; provides for incorporation of municipal recycling programs into county solid waste management programs; provides penalties.

Section 13 -- Amends s. 403.7065, Florida Statutes, to provide for state agency procurement of products and materials with recycled content; provides a price preference for purchase of products or materials with recycled content.

Section 14 -- Creates s. 403.7068, Florida Statutes, to authorize the Department of Environmental Regulation to request the State Treasurer to withhold funds provided by the department to counties and municipalities for failure to develop, adopt, and implement local solid waste management and recycling programs.

Section 15 -- Amends s. 403.707, Florida Statutes, to limit the exemption from solid waste permitting to disposal on residential property of solid waste generated on such property; deletes the exemption from solid waste permitting for construction and demolition debris; allows an exemption from permitting for disposal of clean debris as defined in the bill; authorizes the Department of Environmental Regulation to refuse to issue a solid waste disposal permit to applicants with a history of violating statutes, rules, orders, or permit conditions relating to any solid waste management facility.

Section 16 -- Amends s. 403.708, Florida Statutes, to prohibit disposal of certain problem wastes in landfills after specified dates.

Section 17 -- Amends s. 403.709, Florida Statutes, to establish a Solid Waste Management Trust Fund; provides for disbursement of monies in the trust fund; establishes a solid waste management fee to be imposed on solid waste disposed of at certain solid waste management facilities; establishes a product waste disposal fee to be assessed on the retail sales of tangible personal property in the state; provides exemptions from the product waste disposal fee.

Section 18 -- Amends s. 403.714, Florida Statutes, to require recycling and solid waste reduction by state agencies.

Section 19 -- Creates s. 403.7223, Florida Statutes, to establish a state assistance program for hazardous substance reduction and waste elimination and reduction.

Section 20 -- Amends s. 163.01, Florida Statutes, to allow the use of eminent domain powers by public agencies formed by an interlocal agreement among counties and municipalities; extends sovereign immunity to public agencies formed by an interlocal agreement among counties and municipalities.

Section 21 -- Creates s. 287.05, Florida Statutes, to require the Department of General services to review and revise its
specifications to increase the purchase and use of recycled materials.

Section 22 -- Creates s. 288.03, Florida Statutes, to require the Department of Commerce to promote and encourage markets for and the expansion of the recycling industry in Florida.

Section 23 -- Amends s. 337.02, Florida Statutes, to require the Department of Transportation to review and revise its bid procedures and specifications to increase the purchase and use of recycled materials.

Section 24 -- Creates the Division of Solid and Hazardous Waste Management in the Florida Water Resources Research Center at the University of Florida; provides duties.

Section 25 -- Amends ss. 403.75, 403.751, 403.753, and 403.754, Florida Statutes, relating to the recycling and reuse of used oil.

Section 26 -- Creates ss. 403.760, 403.761, 403.763, 403.765, 403.767, and 403.769, Florida Statutes, relating to the recycling and reuse of used oil.

Section 28 -- Provides legislative findings for beverage container legislation.

Section 29 -- Provides definitions for beverage container legislation.

Section 30 -- Provides for refund values of 5 and 20 cents for beverage containers; provides for exemptions based on the recycling rates of a category or subcategory of beverage container.

Section 31 -- Provides guidelines for the implementation of the beverage container refund values; provides for a 2 cent per container reimbursement from the distributor to the dealer in addition to the refund value.

Section 32 -- Provides labeling requirements and exceptions for beverage container legislation.

Section 33 -- Provides conditions under which a dealer can refuse to accept containers.

Section 34 -- Provides that no beverage containers may be sold that are sealed with detachable metal tabs or that are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable; provides for enforcement by the Department of Agriculture and Consumer Services and the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation; provides for a fine of $100 per violation; provides an effective date of January 1, 1989, for these restrictions.
Section 35 -- Provides that the Division of Alcoholic Beverages and Tobacco shall adopt rules to administer this act and coordinate with the Department of Agriculture and Consumer Services to enforce the provisions of the bill.

Section 36 -- Provides penalties for violating any provision of sections 28 through 36.

Section 37 -- Provides appropriations.

Section 38 -- Provides an effective date.

II. ECONOMIC IMPACT:

A. Public:

The bill would have the following economic impacts on the public:

(1) Solid waste collection and disposal rates may increase when local governments begin charging customers the actual total cost for solid waste collection and disposal six years from the effective date of the bill. The increase in rates should be offset by reductions in the use of other revenue sources to pay for solid waste management and an increase in the avoided cost of disposal.

(2) The public may be required to pay part of the cost for new or expanded recycling and solid waste reduction services provided by local governments. Part of the costs for these programs should be offset by funds from the Solid Waste Management Trust Fund, revenues from the sale of recycled materials, and increased avoided costs of disposal of solid waste.

(3) The public may be required to pay indirectly for the solid waste disposal fee of $1.50 per ton of waste disposed if the fee is passed on to the public as part of normal solid waste collection and disposal service.

(4) Private industry will be affected by the product waste disposal fee. For example, if a retail business generated $10 million in sales per year, the annual fee paid would be $2000 or $167 per month.

(5) The public should benefit from the programs in the bill through reduced energy costs from increased recycling; protection of natural resources from unnecessary consumption because of increased recycling; lower overall costs for disposing of solid waste because of the reduction in the amount of waste that must be disposed; protection of drinking water and the environment because of the prohibition of problem wastes from landfills; and a decreased need to use valuable land for solid waste disposal areas.
(6) There are no immediate public economic impacts from refund values under the beverage container sections of the bill. Public economic impact in 1993 will depend on the recycling rates of beverage containers between 1989 and 1992. The beverage industry may experience a slight cost increase due to the container restrictions on metal detachable tabs and container connectors. Since most beverage containers are already manufactured with nondetachable tabs and the price of degradable container connectors is not much higher than nondegradable connectors, the conversion costs should be minimal.

Based on current estimates by the National Soft Drink Association, the price of beverages packaged in containers that are not exempted from the refund value will increase $1.00 per case, not including the refund value.

B. Government:

The bill contains only two appropriations. An appropriation of $2,500,000 is made from the Petroleum Violation Escrow Account to the DER for carrying out several programs under the used oil provisions of the bill. An appropriation of $1,200,000 is made from the General Revenue Fund to the newly created Division of Solid and Hazardous Waste Management of the Florida Water Resources Research Center. It is expected that other appropriations will be necessary for other provisions of the bill. These appropriations have not been determined at this time.

Counties and municipalities will probably incur costs for implementation of local solid waste management programs and recycling programs. These costs will be partially offset by grants from the Solid Waste Management Trust Fund and increased avoided costs of disposal. The actual costs to local governments will vary depending upon the solid waste characteristics in a particular area and the programs that are chosen to meet the solid waste and municipal solid waste reduction goals.

Local governments which own or operate landfills or waste-to-energy facilities will probably incur costs associated with the solid waste management fee of $1.50 per ton of waste disposed or processed. These costs may be passed on as part of the normal cost for collection and disposal of solid waste.

Government expenditures for products or materials may increase slightly to provide the 10 percent recycled materials price preference. These costs should be offset, however, by reduced disposal costs statewide from implementation of recycling programs and possibly from revenues received for recycled products.

The Department of Business Regulation's Division of Alcoholic Beverages and Tobacco estimates that there will be a one-time cost of $50,000 to $100,000 between October 1, 1988, and October
1, 1989, to develop the rules necessary to administer the beverage container sections of the bill. After 1993, additional costs will be incurred for a statewide hotline, enforcement costs, and public service notices.

III. STATE COMPREHENSIVE PLAN IMPACT:

The bill is consistent with the following goals and policies of the state comprehensive plan:

(8) WATER RESOURCES.--

(a) Goal.--Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

(b) Policies.--
9. Protect aquifers from depletion and contamination through appropriate regulatory programs through incentives.
10. Protect surface and groundwater quality and quantity in the state.

(13) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE.--

(a) Goal.--All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

(b) Policies.--
1. By 1995, reduce the volume of nonhazardous solid waste disposed of in landfills to 55 percent of the 1985 volume.
7. Encourage the research, development, and implementation of recycling, resource recovery, energy recovery, and other methods of using garbage, trash, sewage, slime, sludge, hazardous waste, and other waste.
8. Encourage coordination of intergovernmental and interstate waste management efforts.

IV. COMMENTS:

None.

V. AMENDMENTS:

None.

VI. PREPARED BY: David Hawley
Bill #: PCB NR 88-2
Date: March 1, 1988

VII. STAFF DIRECTOR: Barry Kling
I. SUMMARY OF BILL AS INTRODUCED:

A. Present Situation:

Solid Waste Management Problems and Costs

The mismanagement of solid waste can create serious problems for Florida's environment and for the health of the citizens of the state. Solid waste that is poorly managed can cause contamination of groundwater and surface waters; allow migration of landfill gases; create wind-blown litter and debris; require more land than would otherwise be needed for disposal; and require the expenditure of millions of dollars for remedial cleanup. Increased generation of solid waste, from both a growing population and the increased use of disposable materials, can magnify the adverse effects of the mismanagement of solid waste as well as consume valuable natural resources.

Environmental and public health problems caused by the mismanagement of solid waste are beginning to appear in Florida and nationwide. According to a 1985 report on solid waste landfill closure prepared by the University of Florida, 40 sites on the Florida Hazardous Waste Sites List are or were solid waste landfills. A draft document from the Department of Environmental

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Section 403.703(9), Florida Statutes, defines solid waste as "sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations."
Regulation (DER) reports that 25 percent of the sites on the federal Superfund Cleanup List are old, leaking landfills. A 1987 draft study prepared by the University of Florida for the South Florida Water Management District found that there are approximately 3,500 acres of leaking landfills in south Florida that are releasing approximately two million gallons of concentrated leachate per day that could contaminate groundwater supplies.

Disposal of certain problem wastes or other wastes that are difficult to manage has increased the potential for environmental damage and increased the cost for disposal. These wastes (and the amounts generated per year according to a draft document provided by the DER) include:

-- Lead acid batteries (3 to 4 million). These batteries (batteries from motor vehicles) are often buried in landfills and burned in waste-to-energy facilities when recycling is not cost feasible. Contamination of water supplies from lead and acid, and emissions and ash containing high levels of lead, may result from this practice.

-- Discarded tires (15 million). Discarded tires consume excessive volumes of landfill space and may not completely burn in an incinerator. Discarded piles of tires can serve as breeding grounds for mosquitos and can be a fire hazard.

-- Discarded white goods (1 to 2 million). These items, such as old refrigerators, stoves, etc., often end up being illegally dumped or illegally disposed of because of the volume of landfill space they consume and the difficulty in processing such goods for disposal or burning.

-- Used oil (8 to 9 million gallons unaccounted for each year). Used oil that is unaccounted for most likely is disposed of illegally. The used oil can be hazardous depending upon the substances it contains.

-- Infectious or pathogenic waste that is not properly disposed of may pose a potential health threat to the public through contamination of water supplies or by direct contact. Such waste may also pose a health threat to solid waste management workers from handling improperly treated waste.

-- Construction and demolition debris, which is exempt from permitting in Florida, may contain potentially harmful wastes such as paints and solvents. Construction and demolition debris dumps tend to attract illegal or potentially harmful wastes and can create disposal problems for local governments.

The costs to government and the public for providing proper management of solid waste are substantial. A 1986 report by the DER entitled Report on the Potential for Solid Waste Management Grants estimated the average cost for solid waste management in Florida in 1985 to be $20.01 per ton, or an estimated total

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statewide cost in 1985 of more than $250 million. In many instances, these costs are not fully borne by the persons receiving the solid waste management service. Of the 58 counties responding to survey questions from the DER relating to solid waste management financing, 19 indicated that their solid waste disposal costs were met completely by tipping fees; 13 met disposal costs with ad valorem revenues or general fund monies; and 1 met disposal costs with user fees. The remaining 25 counties used some combination of these revenue sources along with federal revenue sharing funds and state funds to meet solid waste disposal costs. Experts believe that people will not have the incentive to reduce the amount of waste they dispose of if they are unaware of what it actually costs them for solid waste collection and disposal.

To meet stringent state requirements for construction of landfills in Florida, most new landfills must have liners and leachate, stormwater, and landfill gas controls. New landfill construction costs in 1985 were estimated by the DER to average $73,500 per acre. Costs may vary depending on the characteristics of a landfill site. For example, the DER reports that the landfill construction cost for a site in Palm Beach County is estimated at $400,000 per acre.

Landfill closure rules adopted in 1985 require that full landfills be properly closed using methods for controlling infiltration of rainwater and controlling stormwater runoff, leachate, and landfill gas. Based on 1985 information, the DER has estimated that the average initial costs for closure of landfills in Florida range from $65,000 to $150,000 per acre.

The estimated cost of constructing a waste-to-energy facility is approximately $100,000 per design ton. Using this estimate, the proposed 3,000 ton per day facility being considered by Jacksonville could cost $300 million to construct.

The high costs incurred for solid waste management are prompting some local governments to examine the option of forming regional organizations for solid waste management. Although regionalization of solid waste management responsibilities appears attractive, questions have been raised about (1) the financial capability of regional organizations; (2) the ability of regional organizations to site solid waste management facilities; (3) the ability of regional organizations to control the flow of solid waste in a region; and (4) the potential liability for problems with regional facilities.

Beverage containers are perceived both as part of the solid waste stream and as a large part of the subcategory of solid waste identified as litter. Currently, there is no refund value required by law on beverage containers sold in Florida. However, several beer manufacturers require a deposit for their containers.
Solid Waste Generation and Disposal

The Department of Environmental Regulation has provided a draft document that shows the average solid waste generation rate in Florida to be slightly more than seven pounds of solid waste per day per person. Statewide, approximately 42,000 tons per day or 15.3 million tons per year of solid waste are generated. By the year 2000, it is projected that nearly twice the amount of solid waste generated today, or 30 million tons, will be generated.

The composition of solid waste disposed of in Florida varies throughout the state. According to a recent report by the Research Center for Waste Utilization at the Florida Institute of Technology and correspondence from the Pinellas County Solid Waste Management Division, the composition of solid waste in Brevard County and Pinellas County is as follows:

<table>
<thead>
<tr>
<th>Waste Component</th>
<th>Brevard</th>
<th>Pinellas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper</td>
<td>37%</td>
<td>30%</td>
</tr>
<tr>
<td>Cardboard</td>
<td>12%</td>
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</tr>
<tr>
<td>Plastics</td>
<td>7%</td>
<td>2%</td>
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<tr>
<td>Cloth</td>
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<td>2%</td>
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<tr>
<td>Vegetation</td>
<td>17%</td>
<td>42%</td>
</tr>
<tr>
<td>Wood</td>
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<td>1%</td>
</tr>
<tr>
<td>Glass</td>
<td>5%</td>
<td>6%</td>
</tr>
<tr>
<td>Metals</td>
<td>5%</td>
<td>8%</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>8%</td>
<td>5%</td>
</tr>
</tbody>
</table>

According to a draft DER document, the ratio of disposal practices for solid waste generated in Florida is about 65 percent landfill, 25 percent incineration or waste-to-energy, and 10 percent recycling or other method. The DER's estimation of recycling in Florida is based on a 1980 survey of the recycling industry. The department is currently updating this survey to determine the present rate of recycling in the state.

There are currently about 170 permitted landfills in the state. In 1975, there were over 500 permitted landfills. A reduction in the number of permitted landfills in the state is expected as costs for construction and closure rise and the siting of landfills becomes more difficult. Of the 9,400 acres of active, permitted landfills existing in 1987, 3,160 acres (or 33 percent) are scheduled to close by 1995.

There are nine operating waste-to-energy facilities in the state burning approximately 9,000 tons of solid waste per day. An additional seven facilities may be operating by 1992, bringing the state's total capacity for waste-to-energy facilities to 22,000 tons of solid waste burned per day.

The DER estimates that 10 percent of the solid waste in the state is recycled based on a 1980 survey showing that 1.1 million tons of paper, glass, and metal were recycled and consumed in Florida. There are no definitive recent figures on the recycling rate in Florida.
Current Solid Waste Management Requirements

The Florida Resource Recovery and Management Act (part IV, chapter 403, Florida Statutes), was passed by the Legislature in 1974 to "promote the application of resource recovery systems which preserve and enhance the quality of air, water, and land resources." Among other things, the act required the DER to adopt a state program for resource recovery and management by 1976 and required local governments to prepare local resource recovery and management programs by 1978. The state program was adopted by rule in 1976 (part II, chapter 17-7, Florida Administrative Code). The state resource recovery and management program primarily consists of requirements for the contents of local resource recovery and management programs submitted to the DER and guidelines on what should be in a local program.

The act was amended in 1976 to require the designation of only certain counties which were to prepare local resource recovery and management programs. Nineteen counties were designated by rule to prepare programs. All of these counties submitted programs to the DER for approval by 1981. Six counties have submitted updated programs to DER since 1981.

Since it was enacted in 1974, the Florida Resource Recovery and Management Act has been amended several times to provide additional requirements for solid and hazardous waste management. In 1980, chapter 80-302, Laws of Florida, expanded the act to add requirements for hazardous waste management. In 1983, chapter 83-310, Laws of Florida, amended several sections of the act relating to hazardous waste management and added provisions on closure of resource recovery and management facilities, disposal of solid waste on a person's own property, and disposal of solid waste near Class I surface waters. In 1984, chapter 84-338, Laws of Florida, amended the act to require consideration of the cost-effectiveness of landfill construction and closure methods and to allow the DER to issue variances from closure rules under certain circumstances.

In general, part IV of chapter 403, F.S., contains provisions relating to the state resource recovery and management program; local resource recovery and management programs; procurement of recovered materials by state agencies; permitting of resource recovery and management facilities; prohibitions and penalties relating to solid waste disposal; a resource recovery and management trust fund; the use of revenue bonds for development of resource recovery and management facilities; the transport of solid waste; the development of a paper recycling program by the Department of General Services; certification of resource recovery equipment for sales tax credits; and requirements relating to hazardous waste management and used oil collection and recycling.

Other actions have been taken over the past twelve years in attempts to provide for proper solid waste management and disposal. Some of these actions include:
(1) Passage of the federal Resource Recovery and Conservation Act of 1976 (RCRA). Subtitle D of RCRA provided limited federal supervision of state and local solid waste management. Under Subtitle D, states were required to prepare and submit solid waste management plans to the U.S. Environmental Protection Agency (EPA).

(2) Publication of the Florida Solid Waste Management Plan in 1981 in response to Subtitle D of RCRA. The plan has not been updated since its publication due to lack of funding.

(3) Passage of amendments to RCRA in 1984. Most of the amendments related to hazardous waste management. The amendments did require a study by the U.S. EPA of existing federal guidelines and criteria for solid waste management and disposal facilities by November 1987. EPA has prepared a draft study of the federal guidelines and criteria. A final study is expected to be released in April 1988.

(4) Adoption by the DER in 1985 of rules (part I, chapter 17-7, Florida Administrative Code) for the construction, closure, and monitoring of landfills and requirements for volume reduction plants, transfer stations, and resource recovery facilities.

Part IV of chapter 403, F.S., does not specifically address the issue of ensuring that beverage containers made of recyclable materials are recycled. Section 403.413, F. S., prohibits the placing of any litter in any public area (on land or in water) and provides penalties for littering, but does not specifically address beverage containers as part of the litter problem.

Pricing of Electricity from Waste-to-Energy Facilities

The rates paid for electricity generated by public waste-to-energy facilities has been a matter of considerable debate. The federal Public Utilities Regulatory Policies Act of 1978 provided for the development of regulations to require the purchase of electricity by any utility from cogenerators of electricity and small power producers (such as waste-to-energy facilities). The regulations established guidelines for state regulatory authorities to set rates for the purchase of the electricity. The Florida Public Service Commission (PSC) is the state authority charged with establishing these rates under s. 366.05(9), F.S.. The rates established by the PSC for electricity from public waste-to-energy facilities and cogenerators are based on the avoided cost to utilities for electric generating facilities that the utilities do not have to construct because of the additional electricity produced by waste-to-energy facilities and cogenerators.

Recently, local governments have expressed concerns about the rates paid for electricity that is generated by waste-to-energy facilities they operate. In a report entitled Fair Electrical Pricing Study for Florida Resource Recovery Facilities (which was funded by ten local governments in Florida which operate
waste-to-energy facilities), it was argued that the rates paid for the electricity generated by public waste-to-energy facilities are too low and are not fair prices for the electricity generated. The authors of the report contend, among other things, that local governments which operate waste-to-energy facilities are paying more than twice as much to purchase electricity as they are paid to produce electricity. One of the authors' primary recommendations is that rates be established for electricity from waste-to-energy facilities that are consistent with a utility's average retail electric rate or that a minimum "floor" price be paid for such electricity.

The Public Service Commission, in a response to the fair pricing report, has indicated that electric ratepayers should not be required to pay for the disposal of solid waste by waste-to-energy facilities and that any additional payment to these facilities beyond "fully avoided cost" would result in ratepayers subsidizing the disposal of solid waste. The commission stated in its response that "increasing the rates paid by electric utility customers in order to subsidize the disposal of solid waste is not within the purview of the commission ... rather this would be a legislative policy decision."

The commission has suggested that legislation be enacted to promote the development of waste-to-energy facilities and keep electric rates reasonable by: (1) allowing the commission to distinguish between rates paid for electricity from public waste-to-energy facilities and other cogenerators; (2) exempting waste-to-energy facilities from risk factors used in determining avoided costs; (3) allowing level payments of capacity and energy costs; and (4) encouraging the renegotiation of existing contracts for electricity from waste-to-energy facilities.

**Solid waste management options**

Although Florida law encourages the state and local governments to provide for recycling, the traditional reliance on landfills and the increased use of waste-to-energy facilities for disposal of solid waste have led to limited development of programs for recycling and reducing solid waste amounts prior to processing or disposal. There has not been a statewide focus on recycling of solid waste and reducing the amount of solid waste which ultimately must be disposed.

Several studies have reported the potential environmental and financial benefits of recycling and solid waste reduction. According to a 1987 paper by the Worldwatch Institute entitled Mining Urban Wastes: The Potential For Recycling, the environmental benefits derived from substituting secondary (recycled) materials for virgin resources is as follows:

<table>
<thead>
<tr>
<th>Environmental Benefit</th>
<th>Aluminum</th>
<th>Glass</th>
<th>Paper</th>
<th>Steel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduction of:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy use</td>
<td>90-97%</td>
<td>4-32%</td>
<td>23-74%</td>
<td>47-74%</td>
</tr>
<tr>
<td>Air pollution</td>
<td>95</td>
<td>20</td>
<td>74</td>
<td>85</td>
</tr>
</tbody>
</table>
In terms of financial benefits, a 1985 survey done by the Pennsylvania Department of Environmental Regulation showed that the cost for programs of curbside collection of recyclable material in 33 communities in Pennsylvania averaged $23.18 per ton of recycled material. The average tipping fee of the communities was $31.46 per ton, or $8.28 more than the cost of curbside collection. After adding the revenues received from selling the recycled materials to the avoided cost of disposing of the material, it was found that the recycling programs made an average profit of $26.77 per ton of recycled material.

The effectiveness of recycling and solid waste reduction programs, however, is dependent on several factors, including the cost of alternative disposal methods, participation rates, available markets for recycled materials, and rates paid for recycled materials. Fluctuations in the price paid for a recycled material are common. Markets for recycled materials may not be available within a reasonable distance from where the materials are collected.

If recycling rates are to be increased in Florida, efforts should be made to enhance public and private markets for recycled materials and products made from recycled materials. Government procurement procedures could be revised to encourage purchase of materials with recycled content. According to a 1980 report prepared by the DER entitled The Procurement of Products Containing Recycled Materials, the estimated annual expenditure by the state in 1980 for products that potentially could contain recycled material was over $43 million. In addition, a price preference could be provided to contract bidders providing materials with some recycled content.

Private markets could be enhanced through the use of tax refunds or credits for using recycled material in manufacturing processes or for exporting recycled material to processing facilities in other states. Economic development programs of the state could be used to determine the marketability of recycled materials and encourage the siting in Florida of businesses that use recycled materials in manufacturing processes.

Finally, public awareness of the need for recycling, solid waste reduction, and proper solid waste management should be increased. State and local programs of public education on solid waste management should be developed.

B. Effect of Proposed Changes:

Short title, legislative intent, powers and duties of the Department of Environmental Regulation, and definitions
The bill substantially amends the Florida Resource Recovery and Management Act (part IV, chapter 403, F.S.). The legislative intent of the act is amended to require safe, proper, and environmentally sound solid waste management rather than just resource recovery and management. Intent language is added to ensure that solid waste reduction, recycling, and public education on waste reduction and recycling are given consideration in solid waste management programs.

The bill amends the powers and duties of the DER to place greater emphasis on solid waste reduction and recycling.

The bill amends several existing definitions relating to solid waste and resource recovery. The bill adds definitions of municipal solid waste, recyclable material, transfer station, problem wastes, clean debris, solid waste processing, sludge, white goods, free liquid waste, and pathogenic waste.

Disposal of ash from solid waste management facilities that burn solid waste

The bill provides that, under certain circumstances, ash from solid waste management facilities that burn solid waste should be disposed of in separate sections of a solid waste disposal area specifically designed for the ash or, alternately, used in making construction material. The DER is required to develop rules for the disposal of the ash. According to the DER, this currently is the department's policy but it is not required by state law.

Full cost accounting

The bill provides that within one year of the effective date of the act, local governments are to determine the actual total cost incurred by the local government for collection and disposal of solid waste and develop a system to inform their residents of the actual total cost. After six years, local governments are required to ensure that the rates charged to their residents for collection and disposal reflect the actual total cost for collection and disposal. The calculation of the actual total costs would include revenues received from recycling programs. This would ensure that solid waste management customers are aware of and paying for the actual cost of collection and disposal.

The bill also allows counties and municipalities to charge tipping fees that may vary based on the amount, type, and characteristics of recyclable materials contained in solid waste brought to landfills or waste-to-energy facilities for disposal or processing.

The bill allows counties and municipalities to assess fees in addition to tipping fees to help pay for local solid waste management and recycling programs.
State solid waste management program

The bill amends existing law which requires the development of a state solid waste management program. The bill requires the DER to develop a state solid waste management program and adopt the rules necessary to implement the program. The purposes of the program include: (1) providing for safe and orderly management of solid waste; (2) encouraging the regionalization of solid waste management programs; (3) providing planning, technical, and financial assistance to local governments and state agencies for solid waste management and recycling; (4) developing public awareness of and participation in programs for solid waste reduction and recycling; and (5) developing various technical assistance programs for determining the actual total cost for solid waste collection and disposal, for local solid waste management, and for recycling. The DER is required to prepare an annual report on the status of solid waste management in the state.

Local solid waste management program development and review

The bill amends existing law to require all counties to develop, adopt, and implement local solid waste management programs.

The programs are to be adopted by resolution and submitted to DER for approval within two years from the effective date of the act according to a schedule developed by DER. Counties are encouraged to enter into interlocal agreements with other counties and municipalities to prepare a single local solid waste management program for a region.

The local solid waste management programs are to be designed to achieve sufficient reduction of solid waste and municipal solid waste to meet separate reduction goals for solid waste and municipal solid waste disposed of in a county. Each county is required to achieve, at a minimum:

(1) At least a 15 percent reduction of each type of waste within three years of the effective date of the bill;

(2) At least a 25 percent reduction of each type of waste within five years of the effective date of the bill; and

(3) At least a 35 percent reduction of each type of waste within seven years of the effective date of the bill.

The local solid waste management programs are to contain a county recycling program for the service area of the county. The recycling programs can be in one of several forms, depending on the waste characteristics of a particular county. The recycling programs can consist of: (1) a system of separating and collecting recyclable materials, at the site of a landfill or waste-to-energy facility, before landfilling or burning; (2) a system of separation and collection sites throughout a county for recycling; (3) curbside collection of recyclable materials, which have been separated by a homeowner or business, at least
once a month; or (4) an alternative system of recycling that meets the requirements of the act and that is approved by the DER. In addition to yard trash, the recycling programs must focus on at least four of the following materials: glass, aluminum, steel and bimetallic materials, newsprint, office paper, corrugated paper, and plastics.

The bill allows counties to enter into written agreements or contracts with any person (including a municipality) under which that person would develop and implement the county's recycling program. Counties are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

The local solid waste management programs are to contain a public education program on recycling and waste reduction.

The local solid waste management programs are to be developed under a system of county and municipal cooperation. After adoption of the programs by the counties, the programs must be ratified by more than one-half of the municipalities in a county representing more than one-half of the population of the county. Adopted and ratified programs are to be submitted to the DER for approval. If the programs are not ratified, the counties are required to revise the programs to address the municipalities' concerns or provide written responses to the municipalities explaining why the program was not revised. Adopted and ratified revised programs are to be submitted to the DER for approval. Revised programs that are adopted but not ratified are sent to the DER for approval along with a statement of objections from the municipalities which did not ratify the program.

The DER may approve the programs or disapprove the programs and return them to the appropriate counties for revision. If the programs are not revised, they may still be implemented, but the county loses eligibility for grants from the Solid Waste Management Trust Fund.

If a county refuses to develop, adopt, and implement a local solid waste management program, the county loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from the DER for any other purpose withheld.

Municipal recycling programs

The bill requires municipalities of 5,000 or more people to develop, adopt, and implement recycling programs. The recycling programs are to be developed in the same manner as the recycling programs described under the local solid waste management programs that are to be prepared by the counties. Municipalities of less than 5,000 people do not have to develop and adopt recycling programs but may do so in order to obtain grants from the Solid Waste Management Trust Fund.

The bill allows for municipal recycling programs to be incorporated into the local solid waste management programs of
counties. Incorporation of these programs can only be accomplished under a written agreement between a county and a municipality.

The bill allows municipalities to enter into written agreements or contracts with any person (including a county) under which that person would develop and implement the municipality's recycling program. Municipalities are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

Municipal recycling programs developed and adopted independently of county local solid waste management programs would have to be approved by the DER. Programs that are disapproved by DER may be revised by the municipality. If the municipality refuses to revise its program, the program could be implemented but the municipality would lose eligibility for grants from the Solid Waste Management Trust Fund.

If a municipality refuses to develop, adopt, and implement a recycling program, the municipality loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from DER for any other purpose withheld.

**Procurement of products with recycled content by government agencies; review of specifications by government agencies for using materials with recycled content; recycling of materials by state agencies and the state educational system**

The bill requires state agencies, agencies of political subdivisions of the state that receive state funds, or any person contracting with such agencies to give a 10 percent price preference to persons bidding on public contracts that involve the purchase of materials when such persons offer materials containing a specified amount of recycled content.

The bill requires the Department of General Services and the Department of Transportation to review their procurement and bid specifications, respectively, to ensure that recyclable materials, or products or materials with recycled content, are purchased or used when possible.

The bill requires all state agencies to establish programs for recycling waste materials generated in the course of agency operations and to use composted materials when feasible. The bill requires the Department of Education, working with the DER and the state university system, to develop guidelines for recycling within the state education system.

The bill requires the Department of Commerce to promote the expansion of the recycling industry in Florida, analyze markets for recyclable materials, and promote the development of businesses that use recyclable materials.
Permits and prohibitions

The bill amends existing law to exempt from permitting the disposal of solid waste generated by persons from their residential property on their own property. Current law allows any person to dispose of solid waste on their own property, regardless of whether it is solid waste from residential activities or disposed on residential property.

The bill amends existing law to remove the exemption from permitting for construction and demolition debris. The bill instead exempts clean debris, as defined in the bill, from permitting for disposal. The bill also allows the DER to refuse to issue a permit for a solid waste management facility to an applicant who has repeatedly violated statutes, rules, orders, or permit conditions pertaining to solid waste management facilities.

The bill prohibits the disposal in landfills of certain problem waste after a specified date. Problem wastes prohibited include: lead acid batteries (1989); used oil (1990); whole scrap tires (1992); yard trash, except in designated landfills and except where the yard trash will be used at a composting facility (1992); white goods, meaning discarded refrigerators, washing machines, and other large appliances (1992); and free liquid waste (1992).

Solid Waste Management Trust Fund

The bill creates the Solid Waste Management Trust Fund which is to be funded from two sources:

(1) A $1.50 solid waste management fee to be assessed on each ton (or, where solid waste is measured by volume, four cubic yards) of solid waste disposed of at a landfill or processed at a waste-to-energy facility. The fee is not assessed on disposal of process waste (ash) from a waste-to-energy facility. Preliminary estimates are that the fee will generate approximately $16.5 million.

(2) A product waste disposal fee to be assessed on the retail sales of tangible personal property in the state at a rate of 2-cents per $100. The fee is not assessed on admissions, rentals, telecommunications, or utilities. Preliminary estimates are that the fee will generate approximately $23 million.

The bill provides for allocation of the trust fund money for grants in the following manner:

(1) At least 40 percent to counties and municipalities to pay 50 percent of the costs to develop and implement recycling programs, including the purchase of capital equipment for recycling;
At least 20 percent to counties to pay 50 percent of the costs to develop and implement local solid waste management programs, including studies, analyses, composting programs, and problem waste management programs;

(3) No more than 25 percent to local governments to pay 50 percent of the cost of closing, monitoring, and making improvements to existing landfills (priority in grants is to be given to local governments under consent orders to close their landfills);

(4) No more than 5 percent for research and development on specific issues;

(5) No more than 10 percent on public education, model program development, technical assistance, and hazardous substance and waste reduction programs;

(6) No more than 5 percent to other state agencies to perform their duties required by the act;

(7) No more than $1,000,000 per year is to be appropriated to a Division of Solid and Hazardous Waste Management to be created at the Florida Water Resources Research Center; and

(8) No more than $3,000,000 per year is to be used to provide refunds to businesses in the state that use recyclable materials in their manufacturing processes for taxes paid under the Corporate Income Tax provisions of chapter 220, F.S.

Hazardous substance reduction and waste reduction and elimination assistance program

The bill requires the DER to establish an assistance program to help businesses, industries, and other persons in reducing the volume and toxicity of hazardous waste produced and, where feasible, reducing the volume of hazardous substances used in Florida.

Interlocal agreements; regional solid waste management

The bill amends existing law to provide better control over the amounts of solid waste disposed of in a particular region or county by allowing counties to designate disposal areas for the disposal of waste from municipalities except where a municipality is using an existing, permitted disposal area. The bill also allows the use of eminent domain powers where expressly authorized under an interlocal agreement and extends sovereign immunity where expressly authorized by an interlocal agreement. These amendments are based on suggestions made by a group of thirteen counties in northcentral Florida that are currently developing a regional strategy for solid waste management.
Division of Solid and Hazardous Waste Management of the Florida Water Resources Research Center at the University of Florida

The bill creates a Division of Solid and Hazardous Waste Management of the Florida Water Resources Research Center at the University of Florida. The division is assigned various research and technical assistance responsibilities, including the evaluation of the packaging of materials and their effect on solid waste management and litter control.

Used oil

The bill amends several sections of existing law relating to programs for recycling and reuse of used oil and creates several new sections of law to provide for: (1) the development of used oil collection centers; (2) the development of a grants program to local governments to encourage collection, reuse, and proper disposal of used oil; (3) the development of a statewide incentives program to encourage the return of used oil to used oil collection centers; (4) the establishment of standards, requirements, and procedures for used oil transporters and recyclers; (5) the certification of used oil transporters; and (6) the permitting of used oil recycling facilities.

Beverage container legislation

The bill provides modified beverage container legislation. The bill requires that refund values, which go into effect on July 15, 1993, be placed on metal, plastic, and glass beverage containers. The refund values are 5-cents for each container with a volume of 16 ounces or less and 20-cents for each container with a volume greater than 16 ounces but less than one gallon. The Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation is responsible for enforcing the refund value requirement.

Any distributor or manufacturer of a category or subcategory of beverage container may petition the Governor and Cabinet for a four-year exemption from the refund value requirement if they can show that a particular category or subcategory of beverage container has achieved a recycling rate of at least 60 percent in at least one of the last three years prior to the petition. Provisions are made for extensions of these exemptions.

The bill provides that after January 1, 1989, no beverage containers shall be sold in Florida if they have detachable metal rings or tabs or if they are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable. These restrictions are to be jointly enforced by the Department of Agriculture and Consumer Services and the Department of Business Regulation as part of their normal inspection programs.
Pricing of electricity generated by public waste-to-energy facilities

The bill amends s. 377.709, Florida Statutes, which deals with advanced funding of local government waste-to-energy facilities by electric utilities. This section of the bill was developed by the Public Service Commission (PSC) to address the issue of prices paid to public waste-to-energy facilities for electricity generated by those facilities. This provision of the bill would:

(1) Allow the PSC to make a distinction between prices paid by utilities for electricity from public waste-to-energy facilities and from other cogenerators. The bill would authorize the PSC to exempt public waste-to-energy facilities from risk factors used in determining avoided capacity costs and allow level payments of capacity and energy costs; and

(2) Encourage the renegotiation of existing contracts between electric utilities and public waste-to-energy facilities.

C. Section by Section Analysis:

Section 1 -- Amends s. 403.701, Florida Statutes, to change the short title of the Florida Resource Recovery and Management Act to the Florida Solid Waste Management Act.

Section 2 -- Amends s. 403.702, Florida Statutes, to amend the legislative findings of the Florida Resource Recovery and Management Act.

Section 3 -- Amends s. 403.703, Florida Statutes, to change existing definitions and add new definitions relating to solid waste management.

Section 4 -- Amends s. 403.704, Florida Statutes, to change existing powers and duties and add new powers and duties of the Department of Environmental Regulation for solid waste management.

Section 5 -- Amends s. 403.7045, Florida Statutes, to provide that the disposal of pathogenic wastes shall be regulated pursuant to methods authorized by the Department of Environmental Regulation.

Section 6 -- Creates s. 403.7047, Florida Statutes, to require disposal of ash from solid waste management facilities which burn solid waste in designated solid waste disposal areas until federal determination of disposal methods.

Section 7 -- Creates s. 403.7049, to require local governments to determine the actual total costs for solid waste collection and disposal; requires establishment of a system to inform solid waste collection and disposal customers of the actual total cost for collection and disposal; requires local governments, within six years of the effective date of the bill, to ensure that rates
charged for collection and disposal of solid waste include the actual total cost; authorizes local governments to charge varying disposal fees for disposal of unrecycled solid waste; authorizes local governments to impose fees for solid waste disposal to fund solid waste management and recycling programs.

Section 8 -- Amends s. 403.705, Florida Statutes, to require the Department of Environmental Regulation to develop a state solid waste management program and implementing rules; substantially amends existing law on the purpose of the state resource recovery and management program.

Section 9 -- Amends s. 403.706, Florida Statutes, to require counties to develop, adopt, and implement local solid waste management programs; establishes the required content of the programs, including a recycling program and a public education program; allows development of a local solid waste management program for a region by interlocal agreement; requires municipalities to use solid waste management facilities designated by a county except under certain circumstances.

Section 10 -- Creates s. 403.7061, Florida Statutes, to provide procedures for development and adoption of local solid waste management programs.

Section 11 -- Creates s. 403.7063, Florida Statutes, to provide procedures and criteria for review and approval of local solid waste management programs by the Department of Environmental Regulation; provides penalties.

Section 12 -- Creates s. 403.7064, Florida Statutes, to require municipalities to develop, adopt, and implement recycling programs; establishes the required content of the programs; provides for incorporation of municipal recycling programs into county solid waste management programs; provides penalties.

Section 13 -- Amends s. 403.7065, Florida Statutes, to provide for state agency procurement of products and materials with recycled content; provides a price preference for purchase of products or materials with recycled content.

Section 14 -- Creates s. 403.7068, Florida Statutes, to authorize the Department of Environmental Regulation to request the State Treasurer to withhold funds provided by the department to counties and municipalities for failure to develop, adopt, and implement local solid waste management and recycling programs.

Section 15 -- Amends s. 403.707, Florida Statutes, to limit the exemption from solid waste permitting to disposal on residential property of solid waste generated on such property; deletes the exemption from solid waste permitting for construction and demolition debris; allows an exemption from permitting for disposal of clean debris as defined in the bill; authorizes the Department of Environmental Regulation to refuse to issue a solid waste disposal permit to applicants with a history of violating...
statutes, rules, orders, or permit conditions relating to any
solid waste management facility.

Section 16 -- Amends s. 403.708, Florida Statutes, to prohibit
disposal of certain problem wastes in landfills after specified
dates.

Section 17 -- Amends s. 403.709, Florida Statutes, to establish a
Solid Waste Management Trust Fund; provides for disbursement of monies in the trust fund; establishes a solid waste management fee to be imposed on solid waste disposed of at certain solid waste management facilities; establishes a product waste disposal fee to be assessed on the retail sales of tangible personal property in the state; provides exemptions from the product waste disposal fee.

Section 18 -- Amends s. 403.714, Florida Statutes, to require recycling and solid waste reduction by state agencies.

Section 19 -- Creates s. 403.7223, Florida Statutes, to establish a state assistance program for hazardous substance reduction and waste elimination and reduction.

Section 20 -- Amends s. 163.01, Florida Statutes, to allow the use of eminent domain powers by public agencies formed by an interlocal agreement among counties and municipalities; extends sovereign immunity to public agencies formed by an interlocal agreement among counties and municipalities.

Section 21 -- Creates s. 287.05, Florida Statutes, to require the Department of General services to review and revise its specifications to increase the purchase and use of recycled materials.

Section 22 -- Creates s. 288.03, Florida Statutes, to require the Department of Commerce to promote and encourage markets for and the expansion of the recycling industry in Florida.

Section 23 -- Amends s. 337.02, Florida Statutes, to require the Department of Transportation to review and revise its bid procedures and specifications to increase the purchase and use of recycled materials.

Section 24 -- Creates the Division of Solid and Hazardous Waste Management in the Florida Water Resources Research Center at the University of Florida; provides duties.

Section 25 -- Amends ss. 403.75, 403.751, 403.753, and 403.754, Florida Statutes, relating to the recycling and reuse of used oil.

Section 26 -- Creates ss. 403.760, 403.761, 403.763, 403.765, 403.767, and 403.769, Florida Statutes, relating to the recycling and reuse of used oil.
Section 28 -- Provides legislative findings for beverage container legislation.

Section 29 -- Provides definitions for beverage container legislation.

Section 30 -- Provides for refund values of 5 and 20 cents for beverage containers; provides for exemptions based on the recycling rates of a category or subcategory of beverage container.

Section 31 -- Provides guidelines for the implementation of the beverage container refund values; provides for a 2 cent per container reimbursement from the distributor to the dealer in addition to the refund value.

Section 32 -- Provides labeling requirements and exceptions for beverage container legislation.

Section 33 -- Provides conditions under which a dealer can refuse to accept containers.

Section 34 -- Provides that no beverage containers may be sold that are sealed with detachable metal tabs or that are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable; provides for enforcement by the Department of Agriculture and Consumer Services and the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation; provides for a fine of $100 per violation; provides an effective date of January 1, 1989, for these restrictions.

Section 35 -- Provides that the Division of Alcoholic Beverages and Tobacco shall adopt rules to administer this act and coordinate with the Department of Agriculture and Consumer Services to enforce the provisions of the bill.

Section 36 -- Provides penalties for violating any provision of sections 28 through 36.

Section 37 -- Amends s. 377.709, F.S., to provide for the establishment of an electric energy pricing program for prices paid for electricity generated by public waste-to-energy facilities.

Section 38 -- Provides appropriations.

Section 38 -- Provides an effective date.

II. ECONOMIC IMPACT:

A. Public:

The bill would have the following economic impacts on the public:
(1) Solid waste collection and disposal rates may increase when local governments begin charging customers the actual total cost for solid waste collection and disposal six years from the effective date of the bill. The increase in rates should be offset by reductions in the use of other revenue sources to pay for solid waste management and an increase in the avoided cost of disposal.

(2) The public may be required to pay part of the cost for new or expanded recycling and solid waste reduction services provided by local governments. Part of the costs for these programs should be offset by funds from the Solid Waste Management Trust Fund, revenues from the sale of recycled materials, and increased avoided costs of disposal of solid waste.

(3) The public may be required to pay indirectly for the solid waste disposal fee of $1.50 per ton of waste disposed if the fee is passed on to the public as part of normal solid waste collection and disposal service.

(4) Private industry will be affected by the product waste disposal fee. For example, if a retail business generated $10 million in sales per year, the annual fee paid would be $2000 or $167 per month.

(5) The public should benefit from the programs in the bill through reduced energy costs from increased recycling; protection of natural resources from unnecessary consumption because of increased recycling; lower overall costs for disposing of solid waste because of the reduction in the amount of waste that must be disposed; protection of drinking water and the environment because of the prohibition of problem wastes from landfills; and a decreased need to use valuable land for solid waste disposal areas.

(6) There are no immediate public economic impacts from refund values under the beverage container sections of the bill. Public economic impact in 1993 will depend on the recycling rates of beverage containers between 1989 and 1992. The beverage industry may experience a slight cost increase due to the container restrictions on metal detachable tabs and container connectors. Since most beverage containers are already manufactured with nondetachable tabs and the price of degradable container connectors is not much higher than nondegradable connectors, the conversion costs should be minimal.

Based on current estimates by the National Soft Drink Association, the price of beverages packaged in containers that are not exempted from the refund value will increase $1.00 per case, not including the refund value.

(7) Electric ratepayers may be required to pay an additional amount for electric service if the Public Service Commission establishes rates which would allow local governments
operating public waste-to-energy facilities to receive an increase in the rates paid for electricity generated by the facilities. However, solid waste management service customers may see a maintenance of or reduction in current solid waste disposal costs if higher rates are authorized.

B. Government:

The bill contains only two appropriations. An appropriation of $2,500,000 is made from the Petroleum Violation Escrow Account to the DER for carrying out several programs under the used oil provisions of the bill. An appropriation of $1,200,000 is made from the General Revenue Fund to the newly created Division of Solid and Hazardous Waste Management of the Florida Water Resources Research Center. It is expected that other appropriations will be necessary for other provisions of the bill. These appropriations have not been determined at this time.

Counties and municipalities will probably incur costs for implementation of local solid waste management programs and recycling programs. These costs will be partially offset by grants from the Solid Waste Management Trust Fund and increased avoided costs of disposal. The actual costs to local governments will vary depending upon the solid waste characteristics in a particular area and the programs that are chosen to meet the solid waste and municipal solid waste reduction goals.

Local governments which own or operate landfills or waste-to-energy facilities will probably incur costs associated with the solid waste management fee of $1.50 per ton of waste disposed or processed. These costs may be passed on as part of the normal cost for collection and disposal of solid waste.

Government expenditures for products or materials may increase slightly to provide the 10 percent recycled materials price preference. These costs should be offset, however, by reduced disposal costs statewide from implementation of recycling programs and possibly from revenues received for recycled products.

The Department of Business Regulation's Division of Alcoholic Beverages and Tobacco estimates that there will be a one-time cost of $50,000 to $100,000 between October 1, 1988, and October 1, 1989, to develop the rules necessary to administer the beverage container sections of the bill. After 1993, additional costs will be incurred for a statewide hotline, enforcement costs, and public service notices.

Local governments that operate waste-to-energy facilities may receive additional revenue if the Public Service Commission establishes rates which would increase the price paid for electricity generated by public waste-to-energy facilities.
III. STATE COMPREHENSIVE PLAN IMPACT:

The bill is consistent with the following goals and policies of the state comprehensive plan:

(8) WATER RESOURCES.--

(a) Goal.--Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

(b) Policies.--

9. Protect aquifers from depletion and contamination through appropriate regulatory programs through incentives.

10. Protect surface and groundwater quality and quantity in the state.

(13) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE.--

(a) Goal.--All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

(b) Policies.--

1. By 1995, reduce the volume of nonhazardous solid waste disposed of in landfills to 55 percent of the 1985 volume.

7. Encourage the research, development, and implementation of recycling, resource recovery, energy recovery, and other methods of using garbage, trash, sewage, slime, sludge, hazardous waste, and other waste.

8. Encourage coordination of intergovernmental and interstate waste management efforts.

IV. COMMENTS:

None.

V. AMENDMENTS:

None.

VI. PREPARED BY: David Hawley

VII. STAFF DIRECTOR: Barry Kling
BILL #: PCB NR 88-2

RELATING TO: Solid waste management

SPONSOR(S): Natural Resources and Representative Martin

EFFECTIVE DATE: October 1, 1988

COMPANION BILLS: None

OTHER COMMITTEES OF REFERENCE: (1)

(2)

I. SUMMARY OF BILL AS INTRODUCED:

A. Present Situation:

Solid Waste Management Problems and Costs

The mismanagement of solid waste can create serious problems for Florida's environment and for the health of the citizens of the state. Solid waste that is poorly managed can cause contamination of groundwater and surface waters; allow migration of landfill gases; create wind-blown litter and debris; require more land than would otherwise be needed for disposal; and require the expenditure of millions of dollars for remedial cleanup. Increased generation of solid waste, from both a growing population and the increased use of disposable materials, can magnify the adverse effects of the mismanagement of solid waste as well as consume valuable natural resources.

Environmental and public health problems caused by the mismanagement of solid waste are beginning to appear in Florida and nationwide. According to a 1985 report on solid waste landfill closure prepared by the University of Florida, 40 sites on the Florida Hazardous Waste Sites List are or were solid waste landfills. A draft document from the Department of Environmental Regulation (DER) reports that 25 percent of the sites on the federal Superfund Cleanup List are old, leaking landfills. A

Section 403.703(9), Florida Statutes, defines solid waste as "sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations."
1987 draft study prepared by the University of Florida for the South Florida Water Management District found that there are approximately 3,500 acres of leaking landfills in south Florida that are releasing approximately two million gallons of concentrated leachate per day that could contaminate groundwater supplies.

Disposal of certain problem wastes or other wastes that are difficult to manage has increased the potential for environmental damage and increased the cost for disposal. These wastes (and the amounts generated per year according to a draft document provided by the DER) include:

-- Lead acid batteries (3 to 4 million). These batteries (batteries from motor vehicles) are often buried in landfills and burned in waste-to-energy facilities when recycling is not cost feasible. Contamination of water supplies from lead and acid, and emissions and ash containing high levels of lead, may result from this practice.

-- Discarded tires (15 million). Discarded tires consume excessive volumes of landfill space and may not completely burn in an incinerator. Discarded piles of tires can serve as breeding grounds for mosquitos and can be a fire hazard.

-- Discarded white goods (1 to 2 million). These items, such as old refrigerators, stoves, etc., often end up being illegally dumped or illegally disposed of because of the volume of landfill space they consume and the difficulty in processing such goods for disposal or burning.

-- Used oil (8 to 9 million gallons unaccounted for each year). Used oil that is unaccounted for most likely is disposed of illegally. The used oil can be hazardous depending upon the substances it contains.

-- Infectious or pathogenic waste that is not properly disposed of may pose a potential health threat to the public through contamination of water supplies or by direct contact. Such waste may also pose a health threat to solid waste management workers from handling improperly treated waste.

-- Construction and demolition debris, which is exempt from permitting in Florida, may contain potentially harmful wastes such as paints and solvents. Construction and demolition debris dumps tend to attract illegal or potentially harmful wastes and can create disposal problems for local governments.

The costs to government and the public for providing proper management of solid waste are substantial. A 1986 report by the DER entitled Report on the Potential for Solid Waste Management Grants estimated the average cost for solid waste management in Florida in 1985 to be $20.01 per ton, or an estimated total statewide cost in 1985 of more than $250 million. In many instances, these costs are not fully borne by the persons
receiving the solid waste management service. Of the 58 counties responding to survey questions from the DER relating to solid waste management financing, 19 indicated that their solid waste disposal costs were met completely by tipping fees; 13 met disposal costs with ad valorem revenues or general fund monies; and 1 met disposal costs with user fees. The remaining 25 counties used some combination of these revenue sources along with federal revenue sharing funds and state funds to meet solid waste disposal costs. Experts believe that people will not have the incentive to reduce the amount of waste they dispose of if they are unaware of what it actually costs them for solid waste collection and disposal.

To meet stringent state requirements for construction of landfills in Florida, most new landfills must have liners and leachate, stormwater, and landfill gas controls. New landfill construction costs in 1985 were estimated by the DER to average $73,500 per acre. Costs may vary depending on the characteristics of a landfill site. For example, the DER reports that the landfill construction cost for a site in Palm Beach County is estimated at $400,000 per acre.

Landfill closure rules adopted in 1985 require that full landfills be properly closed using methods for controlling infiltration of rainwater and controlling stormwater runoff, leachate, and landfill gas. Based on 1985 information, the DER has estimated that the average initial costs for closure of landfills in Florida range from $65,000 to $150,000 per acre.

The estimated cost of constructing a waste-to-energy facility is approximately $100,000 per design ton. Using this estimate, the proposed 3,000 ton per day facility being considered by Jacksonville could cost $300 million to construct.

The high costs incurred for solid waste management are prompting some local governments to examine the option of forming regional organizations for solid waste management. Although regionalization of solid waste management responsibilities appears attractive, questions have been raised about (1) the financial capability of regional organizations; (2) the ability of regional organizations to site solid waste management facilities; (3) the ability of regional organizations to control the flow of solid waste in a region; and (4) the potential liability for problems with regional facilities.

Beverage containers are perceived both as part of the solid waste stream and as a large part of the subcategory of solid waste identified as litter. Currently, there is no refund value required by law on beverage containers sold in Florida. However, several beer manufacturers require a deposit for their containers.
Solid Waste Generation and Disposal

The Department of Environmental Regulation has provided a draft document that shows the average solid waste generation rate in Florida to be slightly more than seven pounds of solid waste per day per person. Statewide, approximately 42,000 tons per day or 15.3 million tons per year of solid waste are generated. By the year 2000, it is projected that nearly twice the amount of solid waste generated today, or 30 million tons, will be generated.

The composition of solid waste disposed of in Florida varies throughout the state. According to a recent report by the Research Center for Waste Utilization at the Florida Institute of Technology and correspondence from the Pinellas County Solid Waste Management Division, the composition of solid waste in Brevard County and Pinellas County is as follows:

<table>
<thead>
<tr>
<th>Waste Component</th>
<th>Brevard</th>
<th>Pinellas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper</td>
<td>37%</td>
<td>30%</td>
</tr>
<tr>
<td>Cardboard</td>
<td>12</td>
<td>4</td>
</tr>
<tr>
<td>Plastics</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Cloth</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Vegetation</td>
<td>17</td>
<td>42</td>
</tr>
<tr>
<td>Wood</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Glass</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Metals</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Miscellaneous (food, dirt, etc.)</td>
<td>8</td>
<td>5</td>
</tr>
</tbody>
</table>

According to a draft DER document, the ratio of disposal practices for solid waste generated in Florida is about 65 percent landfill, 25 percent incineration or waste-to-energy, and 10 percent recycling or other method. The DER's estimation of recycling in Florida is based on a 1980 survey of the recycling industry. The department is currently updating this survey to determine the present rate of recycling in the state.

There are currently about 170 permitted landfills in the state. In 1975, there were over 500 permitted landfills. A reduction in the number of permitted landfills in the state is expected as costs for construction and closure rise and the siting of landfills becomes more difficult. Of the 9,400 acres of active, permitted landfills existing in 1987, 3,160 acres (or 33 percent) are scheduled to close by 1995.

There are nine operating waste-to-energy facilities in the state burning approximately 9,000 tons of solid waste per day. An additional seven facilities may be operating by 1992, bringing the state's total capacity for waste-to-energy facilities to 22,000 tons of solid waste burned per day.

The DER estimates that 10 percent of the solid waste in the state is recycled based on a 1980 survey showing that 1.1 million tons of paper, glass, and metal were recycled and consumed in Florida. There are no definitive recent figures on the recycling rate in Florida.
Current Solid Waste Management Requirements

The Florida Resource Recovery and Management Act (part IV, chapter 403, Florida Statutes), was passed by the Legislature in 1974 to "promote the application of resource recovery systems which preserve and enhance the quality of air, water, and land resources." Among other things, the act required the DER to adopt a state program for resource recovery and management by 1976 and required local governments to prepare local resource recovery and management programs by 1978. The state program was adopted by rule in 1976 (part II, chapter 17-7, Florida Administrative Code). The state resource recovery and management program primarily consists of requirements for the contents of local resource recovery and management programs submitted to the DER and guidelines on what should be in a local program.

The act was amended in 1976 to require the designation of only certain counties which were to prepare local resource recovery and management programs. Nineteen counties were designated by rule to prepare programs. All of these counties submitted programs to the DER for approval by 1981. Six counties have submitted updated programs to DER since 1981.

Since it was enacted in 1974, the Florida Resource Recovery and Management Act has been amended several times to provide additional requirements for solid and hazardous waste management. In 1980, chapter 80-302, Laws of Florida, expanded the act to add requirements for hazardous waste management. In 1983, chapter 83-310, Laws of Florida, amended several sections of the act relating to hazardous waste management and added provisions on closure of resource recovery and management facilities, disposal of solid waste on a person's own property, and disposal of solid waste near Class I surface waters. In 1984, chapter 84-338, Laws of Florida, amended the act to require consideration of the cost-effectiveness of landfill construction and closure methods and to allow the DER to issue variances from closure rules under certain circumstances.

In general, part IV of chapter 403, F.S., contains provisions relating to the state resource recovery and management program; local resource recovery and management programs; procurement of recovered materials by state agencies; permitting of resource recovery and management facilities; prohibitions and penalties relating to solid waste disposal; a resource recovery and management trust fund; the use of revenue bonds for development of resource recovery and management facilities; the transport of solid waste; the development of a paper recycling program by the Department of General Services; certification of resource recovery equipment for sales tax credits; and requirements relating to hazardous waste management and used oil collection and recycling.

Other actions have been taken over the past twelve years in attempts to provide for proper solid waste management and disposal. Some of these actions include:
(1) Passage of the federal Resource Recovery and Conservation Act of 1976 (RCRA). Subtitle D of RCRA provided limited federal supervision of state and local solid waste management. Under Subtitle D, states were required to prepare and submit solid waste management plans to the U.S. Environmental Protection Agency (EPA).

(2) Publication of the Florida Solid Waste Management Plan in 1981 in response to Subtitle D of RCRA. The plan has not been updated since its publication due to lack of funding.

(3) Passage of amendments to RCRA in 1984. Most of the amendments related to hazardous waste management. The amendments did require a study by the U.S. EPA of existing federal guidelines and criteria for solid waste management and disposal facilities by November 1987. EPA has prepared a draft study of the federal guidelines and criteria. A final study is expected to be released in April 1988.

(4) Adoption by the DER in 1985 of rules (part I, chapter 17-7, Florida Administrative Code) for the construction, closure, and monitoring of landfills and requirements for volume reduction plants, transfer stations, and resource recovery facilities.

Part IV of chapter 403, F.S., does not specifically address the issue of ensuring that beverage containers made of recyclable materials are recycled. Section 403.413, F.S., prohibits the placing of any litter in any public area (on land or in water) and provides penalties for littering, but does not specifically address beverage containers as part of the litter problem.

Pricing of Electricity from Waste-to-Energy Facilities

The rates paid for electricity generated by public waste-to-energy facilities has been a matter of considerable debate. The federal Public Utilities Regulatory Policies Act of 1978 provided for the development of regulations to require the purchase of electricity by any utility from cogenerators of electricity and small power producers (such as waste-to-energy facilities). The regulations established guidelines for state regulatory authorities to set rates for the purchase of the electricity. The Florida Public Service Commission (PSC) is the state authority charged with establishing these rates under s. 366.05(9), F.S.. The rates established by the PSC for electricity from public waste-to-energy facilities and cogenerators are based on the avoided cost to utilities for electric generating facilities that the utilities do not have to construct because of the additional electricity produced by waste-to-energy facilities and cogenerators.

Recently, local governments have expressed concerns about the rates paid for electricity that is generated by waste-to-energy facilities they operate. In a report entitled Fair Electrical Pricing Study for Florida Resource Recovery Facilities (which was funded by ten local governments in Florida which operate
waste-to-energy facilities), it was argued that the rates paid for the electricity generated by public waste-to-energy facilities are too low and are not fair prices for the electricity generated. The authors of the report contend, among other things, that local governments which operate waste-to-energy facilities are paying more than twice as much to purchase electricity as they are paid to produce electricity. One of the authors' primary recommendations is that rates be established for electricity from waste-to-energy facilities that are consistent with a utility's average retail electric rate or that a minimum "floor" price be paid for such electricity.

The Public Service Commission, in a response to the fair pricing report, has indicated that electric ratepayers should not be required to pay for the disposal of solid waste by waste-to-energy facilities and that any additional payment to these facilities beyond "fully avoided cost" would result in ratepayers subsidizing the disposal of solid waste. The commission stated in its response that "increasing the rates paid by electric utility customers in order to subsidize the disposal of solid waste is not within the purview of the commission ... rather this would be a legislative policy decision."

The commission has suggested that legislation be enacted to promote the development of waste-to-energy facilities and keep electric rates reasonable by: (1) allowing the commission to distinguish between rates paid for electricity from public waste-to-energy facilities and other cogenerators; (2) exempting waste-to-energy facilities from risk factors used in determining avoided costs; (3) allowing level payments of capacity and energy costs; and (4) encouraging the renegotiation of existing contracts for electricity from waste-to-energy facilities.

**Solid waste management options**

Although Florida law encourages the state and local governments to provide for recycling, the traditional reliance on landfills and the increased use of waste-to-energy facilities for disposal of solid waste have led to limited development of programs for recycling and reducing solid waste amounts prior to processing or disposal. There has not been a statewide focus on recycling of solid waste and reducing the amount of solid waste which ultimately must be disposed.

Several studies have reported the potential environmental and financial benefits of recycling and solid waste reduction. According to a 1987 paper by the Worldwatch Institute entitled Mining Urban Wastes: The Potential For Recycling, the environmental benefits derived from substituting secondary (recycled) materials for virgin resources is as follows:

<table>
<thead>
<tr>
<th>Environmental Benefit</th>
<th>Aluminum</th>
<th>Glass</th>
<th>Paper</th>
<th>Steel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduction of:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy use</td>
<td>90-97%</td>
<td>4-32%</td>
<td>23-74%</td>
<td>47-74%</td>
</tr>
<tr>
<td>Air pollution</td>
<td>95</td>
<td>20</td>
<td>74</td>
<td>85</td>
</tr>
</tbody>
</table>
In terms of financial benefits, a 1985 survey done by the Pennsylvania Department of Environmental Regulation showed that the cost for programs of curbside collection of recyclable material in 33 communities in Pennsylvania averaged $23.18 per ton of recycled material. The average tipping fee of the communities was $31.46 per ton, or $8.28 more than the cost of curbside collection. After adding the revenues received from selling the recycled materials to the avoided cost of disposing of the material, it was found that the recycling programs made an average profit of $26.77 per ton of recycled material.

The effectiveness of recycling and solid waste reduction programs, however, is dependent on several factors, including the cost of alternative disposal methods, participation rates, available markets for recycled materials, and rates paid for recycled materials. Fluctuations in the price paid for a recycled material are common. Markets for recycled materials may not be available within a reasonable distance from where the materials are collected.

If recycling rates are to be increased in Florida, efforts should be made to enhance public and private markets for recycled materials and products made from recycled materials. Government procurement procedures could be revised to encourage purchase of materials with recycled content. According to a 1980 report prepared by the DER entitled The Procurement of Products Containing Recycled Materials, the estimated annual expenditure by the state in 1980 for products that potentially could contain recycled material was over $43 million. In addition, a price preference could be provided to contract bidders providing materials with some recycled content.

Private markets could be enhanced through the use of tax refunds or credits for using recycled material in manufacturing processes or for exporting recycled material to processing facilities in other states. Economic development programs of the state could be used to determine the marketability of recycled materials and encourage the siting in Florida of businesses that use recycled materials in manufacturing processes.

Finally, public awareness of the need for recycling, solid waste reduction, and proper solid waste management should be increased. State and local programs of public education on solid waste management should be developed.
B. Effect of Proposed Changes:

Short title, legislative intent, powers and duties of the Department of Environmental Regulation, and definitions

The bill substantially amends the Florida Resource Recovery and Management Act (part IV, chapter 403, F.S.). The legislative intent of the act is amended to require safe, proper, and environmentally sound solid waste management rather than just resource recovery and management. Intent language is added to ensure that solid waste reduction, recycling, and public education on waste reduction and recycling are given consideration in solid waste management programs.

The bill amends the powers and duties of the DER to place greater emphasis on solid waste reduction and recycling.

The bill amends several existing definitions relating to solid waste and resource recovery. The bill adds definitions of municipal solid waste, recovered material, recyclable material, transfer station, special wastes, clean debris, solid waste processing, sludge, white goods, free liquid waste, and pathogenic waste.

Disposal of ash from solid waste management facilities that burn solid waste

The bill provides that, under certain circumstances, ash from solid waste management facilities that burn solid waste should be disposed of in separate sections of a solid waste disposal area specifically designed for the ash or, alternately, used in making construction material or disposed of under an alternate disposal program approved by the DER. The DER is required to develop rules for the disposal and recycling of the ash. According to the DER, this currently is the department's policy but it is not required by state law. The DER also is required to work with solid waste management facilities that burn solid waste to identify and develop ways to recycle ash.

Full cost accounting

The bill provides that within one year of the effective date of the act, local governments are to determine the full cost incurred by the local government for solid waste management and develop a system to inform their residents of the full cost. After six years, local governments are required to ensure that the rates charged to their residents for solid waste management reflect the full cost for solid waste management. The calculation of the full cost would include revenues received from recycling programs and the sale of energy. This would ensure that solid waste management customers are aware of and paying for the full cost for solid waste management.

The bill also allows counties and municipalities to charge tipping fees that, in addition to other factors, may vary based on the amount, type, and characteristics of recyclable materials.
contained in solid waste brought to landfills or waste-to-energy facilities for disposal or processing.

The bill allows counties and municipalities to assess fees in addition to tipping fees to help pay for local solid waste management and recycling programs.

State solid waste management program

The bill amends existing law which requires the development of a state solid waste management program. The bill requires the DER to develop a state solid waste management program and adopt the rules necessary to implement the program. The purposes of the program include: (1) providing for safe and orderly management of solid waste; (2) encouraging the regionalization of solid waste management programs; (3) providing planning, technical, and financial assistance to local governments and state agencies for solid waste management, recycling, and special waste management; (4) developing public awareness of and participation in programs for solid waste reduction and recycling in cooperation with other agencies and local governments; and (5) developing various technical assistance programs for determining the full cost for solid waste management, for local solid waste management, and for recycling. The DER is required to prepare an annual report on the status of solid waste management in the state.

Local solid waste management program development and review

The bill amends existing law to require all counties to develop, adopt, and implement local solid waste management programs.

The programs are to be adopted by resolution and submitted to DER for approval. For counties whose local comprehensive plans are due after March 1, 1990, the submittal dates for the programs are the same dates as for their comprehensive plans. For counties whose plans are to be submitted earlier than this date, the programs are to be submitted according to a schedule developed by DER. No program can be required to be submitted within 18 months of the effective date of the bill. Programs cannot be submitted later than 36 months after the effective date. Counties are encouraged to enter into interlocal agreements with other counties and municipalities to prepare a single local solid waste management programs for a region.

The local solid waste management programs are to be designed to achieve sufficient reduction of solid waste and municipal solid waste to meet separate reduction goals for solid waste and municipal solid waste disposed of in a county. Each county is required to achieve, at a minimum:

(1) At least a 15 percent reduction of each type of waste within three years of the effective date of the bill;

(2) At least a 25 percent reduction of each type of waste within five years of the effective date of the bill; and
(3) At least a 35 percent reduction of each type of waste within seven years of the effective date of the bill.

The local solid waste management programs are to contain a county recycling program for the service area of the county. The recycling programs can be in one of several forms, depending on the waste characteristics of a particular county. The recycling programs can consist of: (1) a system of separating and collecting recyclable materials, at the site of a landfill or waste-to-energy facility, before landfiling or burning; (2) a system of separation and collection sites throughout a county for recycling; (3) curbside collection of recyclable materials, which have been separated by a homeowner or business, on a periodic basis; or (4) an alternative system of recycling that meets the requirements of the act and that is approved by the DER. In addition to yard trash, the recycling programs must involve the recycling of at least four of the following materials: glass, aluminum, steel and bimetallic materials, newsprint, office paper, corrugated paper, and plastics.

The bill allows counties to enter into written agreements or contracts with any person (including a municipality) under which that person would develop and implement the county's recycling program. Counties and municipalities may jointly develop local solid waste management and recycling programs under certain conditions. Counties are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

The local solid waste management programs are to contain a public education program on recycling and waste reduction.

The local solid waste management programs are to be developed under a system of county and municipal cooperation. After adoption of the programs by the counties, the programs must be ratified by more than one-half of the municipalities in a county representing more than one-half of the population of the county. Adopted and ratified programs are to be submitted to the DER for approval. If the programs are not ratified, the counties are required to revise the programs to address the municipalities' concerns or provide written responses to the municipalities explaining why the program was not revised. Adopted and ratified revised programs are to be submitted to the DER for approval. Revised programs that are adopted but not ratified are sent to the DER for approval along with a statement of objections from the municipalities which did not ratify the program.

The DER may approve the programs or disapprove the programs and return them to the appropriate counties for revision. If the programs are not revised, they may still be implemented, but the county loses eligibility for grants from the Solid Waste Management Trust Fund.

If a county refuses to develop, adopt, and implement a local solid waste management program, the county loses eligibility for grants from the trust fund and may, at the discretion of the DER,
have funding that is provided from the DER for any other purpose withheld.

Municipal recycling programs

The bill requires municipalities of 5,000 or more people to develop, adopt, and implement recycling programs. The recycling programs are to be developed in the same manner as the recycling programs described under the local solid waste management programs that are to be prepared by the counties. Municipalities of less than 5,000 people do not have to develop and adopt recycling programs but may do so in order to obtain grants from the Solid Waste Management Trust Fund.

The bill allows municipalities to jointly develop recycling programs with the county within which the municipality is located. Joint development of these programs can only be accomplished under a written agreement between a county and a municipality.

The bill allows municipalities to enter into written agreements or contracts with any person (including a county) under which that person would develop and implement the municipality's recycling program. Municipalities are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

Municipal recycling programs developed and adopted independently of county local solid waste management programs would have to be approved by the DER. Programs that are disapproved by DER may be revised by the municipality. If the municipality refuses to revise its program, the program could be implemented but the municipality would lose eligibility for grants from the Solid Waste Management Trust Fund.

If a municipality refuses to develop, adopt, and implement a recycling program, the municipality loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from DER for any other purpose withheld.

Procurement of products with recycled content by government agencies; review of specifications by government agencies for using materials with recycled content; recycling of materials by state agencies and the state educational system

The bill requires the Department of General Services to evaluate products or materials normally purchased by the state to determine if products or materials with recycled content can be purchased instead. The department is to determine how much recycled content could feasibly be contained in such products or materials. The department and other agencies are authorized to give a 10 percent price preference to persons bidding on public contracts that involve the purchase of materials when such persons offer materials containing a specified amount of recycled content.
The bill requires the Department of General Services and the Department of Transportation to review their procurement and bid specifications, respectively, to ensure that recyclable materials, or products or materials with recycled content, are purchased or used when possible.

The bill requires all state agencies to establish programs for recycling waste materials generated in the course of agency operations and to use composted materials when feasible. The bill requires the Department of Education, working with the DER and the state university system, to develop guidelines for recycling within the state education system.

The bill requires the Department of Commerce to promote the expansion of the recycling industry in Florida, analyze markets for recyclable materials, and promote the development of businesses that use recyclable materials.

Permits and prohibitions

The bill amends existing law to exempt from permitting the disposal of solid waste generated by persons from their residential property on their own property. Current law allows any person to dispose of solid waste on their own property, regardless of whether it is solid waste from residential activities or disposed on residential property. The bill would exempt persons disposing of solid waste on their own property from solid waste permitting if the disposal is specifically exempted from or authorized by another permit or a groundwater monitoring plan under chapter 403, F.S.

The bill amends existing law to remove the exemption from permitting for construction and demolition debris. The bill instead exempts clean debris, as defined in the bill, from permitting for disposal. The bill also allows the DER to refuse to issue a permit for a solid waste management facility to an applicant who has repeatedly violated statutes, rules, orders, or permit conditions pertaining to solid waste management facilities.

The bill prohibits the disposal in landfills of certain solid wastes after a specified date. Solid wastes prohibited include: lead acid batteries (1989); used oil (1990); whole scrap tires (1992); yard trash, except in designated landfills and except where the yard trash will be used at a composting facility (1992); white goods, meaning discarded refrigerators, washing machines, and other large appliances (1992); and free liquid waste (1992). The bill requires DER to identify and assist in developing programs for disposing of these wastes prior to the prohibition dates.

Solid Waste Management Trust Fund

The bill creates the Solid Waste Management Trust Fund which is to be funded from two sources:
(1) A $1.50 solid waste management fee to be assessed on each ton (or, where solid waste is measured by volume, four cubic yards) of solid waste disposed of at a landfill or processed at a waste-to-energy facility. The fee is not assessed on disposal of process waste (ash) from a waste-to-energy facility. Preliminary estimates are that the fee will generate approximately $16.5 million.

(2) A product waste disposal fee to be assessed on the retail sales of tangible personal property in the state at a rate of 2-cents per $100. The fee is not assessed on admissions, rentals, telecommunications, or utilities. Preliminary estimates are that the fee will generate approximately $23 million.

The bill provides for allocation of the trust fund money for grants in the following manner:

(1) At least 40 percent to counties and municipalities to pay 50 percent of the costs to develop and implement, or contract with other persons to develop and implement, recycling programs, including the purchase of capital equipment for recycling (local governments could receive grants for future expenses incurred under an existing recycling program);

(2) At least 20 percent to counties to pay 50 percent of the costs to develop and implement local solid waste management programs, including studies, analyses, composting programs, and problem waste management programs;

(3) No more than 25 percent to local governments to pay 50 percent of the cost of closing, monitoring, and making improvements to existing landfills (priority in grants is to be given to local governments under consent orders to close their landfills);

(4) No more than 5 percent for research and development on specific issues;

(5) No more than 10 percent on public education, model program development, technical assistance, and hazardous substance and waste reduction programs;

(6) No more than 5 percent to other state agencies to perform their duties required by the act; and

(7) No more than $3,000,000 per year is to be used to provide refunds to businesses in the state that use recyclable materials in their manufacturing processes for taxes paid under the Corporate Income Tax provisions of chapter 220, F.S.
Hazardous substance reduction and waste reduction and elimination assistance program

The bill requires the DER to establish an assistance program to help businesses, industries, and other persons in reducing the volume and toxicity of hazardous waste produced and reducing the volume of hazardous substances used in Florida.

Interlocal agreements; regional solid waste management

The bill amends existing law to provide better control over the amounts of solid waste disposed of in a particular region or county by allowing counties to designate solid waste management facilities for the handling of waste from municipalities except where a municipality is using an existing, permitted solid waste management facility. The bill also allows the use of eminent domain powers where expressly authorized under an interlocal agreement and extends sovereign immunity where expressly authorized by an interlocal agreement. These amendments are based on preliminary suggestions made by a group of thirteen counties in northcentral Florida that have developed a regional strategy for solid waste management.

University Solid and Hazardous Waste Management Research

The bill requires the state Board of Regents, through the Office of the Chancellor, to coordinate state university research and information dissemination on solid and hazardous waste management research. The Chancellor would be required to appoint an advisory council to oversee the coordination of research activities. The Board of Regents also would be responsible for designating a state university or universities to conduct a one-year study of the commercial packaging of products and its effects on solid waste management and litter control.

Used oil

The bill amends several sections of existing law relating to programs for recycling and reuse of used oil and creates several new sections of law to provide for: (1) the development of used oil collection centers; (2) the development of a grants program to local governments to encourage collection, reuse, and proper disposal of used oil; (3) the development of a statewide incentives program to encourage the return of used oil to used oil collection centers; (4) the establishment of standards, requirements, and procedures for used oil transporters and recyclers; (5) the certification of used oil transporters; and (6) the permitting of used oil recycling facilities.

Beverage container legislation

The bill provides modified beverage container legislation. The bill requires that refund values, which go into effect on July 15 of the fourth year after the initiation of local solid waste management programs serving 75-percent of the state's population, be placed on metal, plastic, and glass beverage containers. The
refund values are 5-cents for each container with a volume of 16 ounces or less and 10-cents for each container with a volume greater than 16 ounces but less than one gallon.

Any distributor or manufacturer of a category or subcategory of beverage container may petition the Governor and Cabinet for a four-year exemption from the refund value requirement if they can show that a particular category or subcategory of beverage container has achieved a recycling rate of at least 60 percent in at least one of the last three years prior to the petition. Provisions are made for extensions of these exemptions.

The bill provides that after July 1, 1989, no beverage containers shall be sold in Florida if they have detachable metal rings or tabs or if they are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable.

The enforcement of the beverage container provisions is a shared responsibility between the Department of Agriculture and Consumer Services and the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation.

Pricing of electricity generated by public waste-to-energy facilities

The bill amends s. 377.709, Florida Statutes, which deals with advanced funding of local government waste-to-energy facilities by electric utilities. This section of the bill was developed by the Public Service Commission (PSC) to address the issue of prices paid to public waste-to-energy facilities for electricity generated by those facilities. This provision of the bill would:

(1) Allow the PSC to make a distinction between prices paid by utilities for electricity from public waste-to-energy facilities and from other cogenerators. The bill would authorize the PSC to exempt public waste-to-energy facilities from risk factors used in determining avoided capacity costs and allow level payments of capacity and energy costs; and

(2) Encourage the renegotiation of existing contracts between electric utilities and public waste-to-energy facilities.

The bill provides that local governments would not be eligible for exemptions from risk factors in determining the price for electricity from public waste-to-energy facilities for any period that the local governments are not in compliance with the local solid waste management or recycling program requirements of the bill.

Solid Waste Control and Recycling Investment Tax Incentive

The bill provides an exemption from the state sales and use tax for machinery, equipment, pollution control devices, vehicles, facilities (including real and personal property), and purchased power used in collection, processing, recycling, composting,
compounding, or remanufacture of solid waste or solid waste products.

C. Section by Section Analysis:

Section 1 -- Amends s. 403.701, Florida Statutes, to change the short title of the Florida Resource Recovery and Management Act to the Florida Solid Waste Management Act.

Section 2 -- Amends s. 403.702, Florida Statutes, to amend the legislative findings of the Florida Resource Recovery and Management Act.

Section 3 -- Amends s. 403.703, Florida Statutes, to change existing definitions and add new definitions relating to solid waste management.

Section 4 -- Amends s. 403.704, Florida Statutes, to change existing powers and duties and add new powers and duties of the Department of Environmental Regulation for solid waste management.

Section 5 -- Amends s. 403.7045, Florida Statutes, to provide that the disposal of pathogenic wastes shall be regulated pursuant to methods authorized by the Department of Environmental Regulation.

Section 6 -- Creates s. 403.7047, Florida Statutes, to require disposal of ash from solid waste management facilities which burn solid waste in designated solid waste disposal areas, or the recycling of such ash, until federal determination of proper disposal methods.

Section 7 -- Creates s. 403.7049, to require local governments to determine the full cost for solid waste management; requires establishment of a system to inform solid waste management customers of the full cost for solid waste management; requires local governments, within six years of the effective date of the bill, to ensure that rates charged for solid waste management include the full cost; authorizes local governments to charge varying disposal fees for disposal of unrecycled solid waste; authorizes local governments to impose fees for solid waste disposal to fund solid waste management and recycling programs.

Section 8 -- Amends s. 403.705, Florida Statutes, to require the Department of Environmental Regulation to develop a state solid waste management program and implementing rules; substantially amends existing law on the purpose of the state resource recovery and management program.

Section 9 -- Amends s. 403.706, Florida Statutes, to require counties to develop, adopt, and implement local solid waste management programs; establishes the required content of the programs, including a recycling program and a public education program; allows development of a local solid waste management program.
program for a region by interlocal agreement; allows joint development of recycling and solid waste management programs; requires municipalities to use solid waste management facilities designated by a county except under certain circumstances.

Section 10 -- Creates s. 403.7061, Florida Statutes, to provide procedures for development and adoption of local solid waste management programs.

Section 11 -- Creates s. 403.7063, Florida Statutes, to provide procedures and criteria for review and approval of local solid waste management programs by the Department of Environmental Regulation; provides penalties.

Section 12 -- Creates s. 403.7064, Florida Statutes, to require municipalities to develop, adopt, and implement recycling programs; establishes the required content of the programs; provides for joint development of recycling programs by municipalities and counties; provides penalties.

Section 13 -- Amends s. 403.7065, Florida Statutes, to provide for state agency procurement of products or materials with recycled content.

Section 14 -- Creates s. 403.7068, Florida Statutes, to authorize the Department of Environmental Regulation to request the State Treasurer to withhold funds provided by the department to counties and municipalities for failure to develop, adopt, and implement local solid waste management and recycling programs.

Section 15 -- Amends s. 403.707, Florida Statutes, to limit the exemption from solid waste permitting to disposal on residential property of solid waste generated on such property; allows an exemption from solid waste permitting for disposal activities permitted under other provisions of chapter 403, F.S.; deletes the exemption from solid waste permitting for construction and demolition debris; allows an exemption from permitting for disposal of clean debris as defined in the bill; authorizes the Department of Environmental Regulation to refuse to issue a solid waste disposal permit to applicants with a history of violating statutes, rules, orders, or permit conditions relating to any solid waste management facility.

Section 16 -- Amends s. 403.708, Florida Statutes, to prohibit disposal of certain solid wastes in landfills after specified dates.

Section 17 -- Amends s. 403.709, Florida Statutes, to establish a Solid Waste Management Trust Fund; provides for disbursement of monies in the trust fund; establishes a solid waste management fee to be imposed on solid waste disposed of at certain solid waste management facilities; establishes a product waste disposal fee to be assessed on the retail sales of tangible personal property in the state; provides exemptions from the product waste disposal fee.
Section 18 -- Amends s. 403.714, Florida Statutes, to require recycling and solid waste reduction by state agencies.

Section 19 -- Creates s. 403.7223, Florida Statutes, to establish a state assistance program for hazardous substance reduction and waste elimination and reduction.

Section 20 -- Amends s. 163.01, Florida Statutes, to allow the use of eminent domain powers by public agencies formed by an interlocal agreement among counties and municipalities; extends sovereign immunity to public agencies formed by an interlocal agreement among counties and municipalities.

Section 21 -- Creates s. 287.05, Florida Statutes, to require the Department of General Services to review and revise its specifications to increase the purchase and use of recycled materials; requires the Department of General Services to determine the feasibility of procuring certain products or materials with recycled content and to establish minimum amounts of recycled content for such products and materials.

Section 22 -- Creates s. 288.03, Florida Statutes, to require the Department of Commerce to promote and encourage markets for and the expansion of the recycling industry in Florida.

Section 23 -- Amends s. 337.02, Florida Statutes, to require the Department of Transportation to review and revise its bid procedures and specifications to increase the purchase and use of recycled materials.

Section 24 -- Requires the Board of Regents, through the Office of the Chancellor, to coordinate state university research and information dissemination on solid and hazardous waste management; requires a one-year study of commercial product packaging.

Section 25 -- Amends ss. 403.75, 403.751, 403.753, and 403.754, F.S., relating to the recycling and reuse of used oil.

Section 26 -- Creates ss. 403.760, 403.761, 403.763, 403.765, 403.767, and 403.769, F.S., relating to the recycling and reuse of used oil.

Section 28 -- Provides legislative findings for beverage container legislation.

Section 29 -- Provides definitions for beverage container legislation.

Section 30 -- Provides for refund values of 5 and 10 cents for beverage containers; provides for exemptions based on the recycling rates of a category or subcategory of beverage container.

Section 31 -- Provides guidelines for the implementation of the beverage container refund values; provides for a 2 cent per

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container reimbursement from the distributor to the dealer in addition to the refund value.

Section 32 -- Provides labeling requirements and exceptions for beverage container legislation.

Section 33 -- Provides conditions under which a dealer can refuse to accept containers.

Section 34 -- Provides that no beverage containers may be sold that are sealed with detachable metal tabs or that are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable; provides an effective date of July 1, 1989, for these restrictions.

Section 35 -- Requires the Division of Alcoholic Beverages and Tobacco and the Department of Agriculture and Consumer Services to coordinate the enforcement of the beverage container provisions of the bill.

Section 36 -- Authorizes the Division of Alcoholic Beverages and Tobacco and the Department of Agriculture and Consumer Services to impose fines for violations of the provisions of sections 28 through 36; provides fines for violating these provisions; provides for the dispensation of such fines.

Section 37 -- Amends s. 377.709, F.S., to provide for the establishment of an electric energy pricing program for prices paid for electricity generated by public waste-to-energy facilities.

Section 38 -- Provides for an exemption from the state sales and use tax for the purchase of equipment, facilities, purchased power, and other items that are used for solid waste management and recycling.

Section 39 -- Provides appropriations.

Section 40 -- Provides an effective date.

II. **ECONOMIC IMPACT:**

A. **Public:**

The bill would have the following economic impacts on the public:

1. Solid waste collection and disposal rates may increase when local governments begin charging customers the actual total cost for solid waste collection and disposal six years from the effective date of the bill. The increase in rates should be offset by reductions in the use of other revenue sources to pay for solid waste management and an increase in the avoided cost of disposal.
(2) The public may be required to pay part of the cost for new or expanded recycling and solid waste reduction services provided by local governments. Part of the costs for these programs should be offset by funds from the Solid Waste Management Trust Fund, revenues from the sale of recycled materials, and increased avoided costs of disposal of solid waste.

(3) The public may be required to pay indirectly for the solid waste disposal fee of $1.50 per ton of waste disposed if the fee is passed on to the public as part of normal solid waste collection and disposal service.

(4) Private industry will be affected by the product waste disposal fee. For example, if a retail business generated $10 million in sales per year, the annual fee paid would be $2000 or $167 per month.

(5) The public should benefit from the programs in the bill through reduced energy costs from increased recycling; protection of natural resources from unnecessary consumption because of increased recycling; lower overall costs for disposing of solid waste because of the reduction in the amount of waste that must be disposed; protection of drinking water and the environment because of the prohibition of problem wastes from landfills; and a decreased need to use valuable land for solid waste disposal areas.

(6) There are no immediate public economic impacts from refund values under the beverage container sections of the bill. Public economic impact will depend on the recycling rates of beverage containers between 1989 and the date when refund values are imposed. The beverage industry may experience a slight cost increase due to the container restrictions on metal detachable tabs and container connectors. Since most beverage containers are already manufactured with nondetachable tabs and the price of degradable container connectors is not much higher than nondegradable connectors, the conversion costs should be minimal.

Based on current estimates by the National Soft Drink Association, the price of beverages packaged in containers that are not exempted from the refund value will increase $1.00 per case, not including the refund value.

(7) Electric ratepayers may be required to pay an additional amount for electric service if the Public Service Commission establishes rates which would allow local governments operating public waste-to-energy facilities to receive an increase in the rates paid for electricity generated by the facilities. However, solid waste management service customers may see a maintenance of or reduction in current solid waste disposal costs if higher rates are authorized.
B. Government:

The bill contains only one appropriation. An appropriation of $2,500,000 is made from the Petroleum Violation Escrow Account to the DER for carrying out several programs under the used oil provisions of the bill. It is expected that other appropriations will be necessary for other provisions of the bill. These appropriations have not been determined at this time.

Counties and municipalities will probably incur costs for implementation of local solid waste management programs and recycling programs. These costs will be partially offset by grants from the Solid Waste Management Trust Fund and increased avoided costs of disposal. The actual costs to local governments will vary depending upon the solid waste characteristics in a particular area and the programs that are chosen to meet the solid waste and municipal solid waste reduction goals.

Local governments which own or operate landfills or waste-to-energy facilities will probably incur costs associated with the solid waste management fee of $1.50 per ton of waste disposed or processed. These costs may be passed on as part of the normal cost for collection and disposal of solid waste.

Government expenditures for products or materials may increase slightly to provide the 10 percent recycled materials price preference. These costs should be offset, however, by reduced disposal costs statewide from implementation of recycling programs and possibly from revenues received for recycled products.

The Department of Business Regulation's Division of Alcoholic Beverages and Tobacco estimates that there will be a one-time cost of $50,000 to $100,000 between October 1, 1988, and October 1, 1989, to develop the rules necessary to administer the beverage container sections of the bill. After 1993, additional costs will be incurred for a statewide hotline, enforcement costs, and public service notices.

Local governments that operate waste-to-energy facilities may receive additional revenue if the Public Service Commission establishes rates which would increase the price paid for electricity generated by public waste-to-energy facilities.

The state will probably experience a reduction in revenue collected under the state sales and use tax as a result of the exemption from the tax provided for the purchase of equipment and facilities used by businesses in recycling. The fiscal effects of this exemption have not been determined at this time.

III. STATE COMPREHENSIVE PLAN IMPACT:

The bill is consistent with the following goals and policies of the state comprehensive plan:
(8) WATER RESOURCES.--

(a) Goal.--Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

(b) Policies.--

9. Protect aquifers from depletion and contamination through appropriate regulatory programs through incentives.

10. Protect surface and groundwater quality and quantity in the state.

(13) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE.--

(a) Goal.--All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

(b) Policies.--

1. By 1995, reduce the volume of nonhazardous solid waste disposed of in landfills to 55 percent of the 1985 volume.

7. Encourage the research, development, and implementation of recycling, resource recovery, energy recovery, and other methods of using garbage, trash, sewage, slime, sludge, hazardous waste, and other waste.

8. Encourage coordination of intergovernmental and interstate waste management efforts.

IV. COMMENTS:

None.

V. AMENDMENTS:

None.

VI. PREPARED BY:  David Hawley

VII. STAFF DIRECTOR:  Barry Kling
BILL #: PCB NR 88-2

RELATING TO: Solid waste management

SPONSOR(S): Natural Resources and Representative Martin

EFFECTIVE DATE: October 1, 1988

COMPANION BILLS: None

OTHER COMMITTEES OF REFERENCE: (1) ________
(2) ________

I. SUMMARY OF BILL AS INTRODUCED:

A. Present Situation:

Solid Waste Management Problems and Costs

The mismanagement of solid waste can create serious problems for Florida's environment and for the health of the citizens of the state. Solid waste that is poorly managed can cause contamination of groundwater and surface waters; allow migration of landfill gases; create wind-blown litter and debris; require more land than would otherwise be needed for disposal; and require the expenditure of millions of dollars for remedial cleanup. Increased generation of solid waste, from both a growing population and the increased use of disposable materials, can magnify the adverse effects of the mismanagement of solid waste as well as consume valuable natural resources.

Environmental and public health problems caused by the mismanagement of solid waste are beginning to appear in Florida and nationwide. According to a 1985 report on solid waste landfill closure prepared by the University of Florida, 40 sites on the Florida Hazardous Waste Sites List are or were solid waste landfills. A draft document from the Department of Environmental Regulation (DER) reports that 25 percent of the sites on the federal Superfund Cleanup List are old, leaking landfills.

Section 403.703(9), Florida Statutes, defines solid waste as "sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations."
1987 draft study prepared by the University of Florida for the South Florida Water Management District found that there are approximately 3,500 acres of leaking landfills in south Florida that are releasing approximately two million gallons of concentrated leachate per day that could contaminate groundwater supplies.

Disposal of certain problem wastes or other wastes that are difficult to manage has increased the potential for environmental damage and increased the cost for disposal. These wastes (and the amounts generated per year according to a draft document provided by the DER) include:

-- Lead acid batteries (3 to 4 million). These batteries (batteries from motor vehicles) are often buried in landfills and burned in waste-to-energy facilities when recycling is not cost feasible. Contamination of water supplies from lead and acid, and emissions and ash containing high levels of lead, may result from this practice.

-- Discarded tires (15 million). Discarded tires consume excessive volumes of landfill space and may not completely burn in an incinerator. Discarded piles of tires can serve as breeding grounds for mosquitos and can be a fire hazard.

-- Discarded white goods (1 to 2 million). These items, such as old refrigerators, stoves, etc., often end up being illegally dumped or illegally disposed of because of the volume of landfill space they consume and the difficulty in processing such goods for disposal or burning.

-- Used oil (8 to 9 million gallons unaccounted for each year). Used oil that is unaccounted for most likely is disposed of illegally. The used oil can be hazardous depending upon the substances it contains.

-- Infectious, pathogenic, or biohazardous waste that is not properly disposed of may pose a potential health threat to the public through contamination of water supplies or by direct contact. Such waste may also pose a health threat to solid waste management workers from handling improperly treated waste.

-- Construction and demolition debris, which is exempt from permitting in Florida, may contain potentially harmful wastes such as paints and solvents. Construction and demolition debris dumps tend to attract illegal or potentially harmful wastes and can create disposal problems for local governments.

The costs to government and the public for providing proper management of solid waste are substantial. A 1986 report by the DER entitled Report on the Potential for Solid Waste Management Grants estimated the average cost for solid waste management in Florida in 1985 to be $20.01 per ton, or an estimated total statewide cost in 1985 of more than $250 million. In many
instances, these costs are not fully borne by the persons receiving the solid waste management service. Of the 58 counties responding to survey questions from the DER relating to solid waste management financing, 19 indicated that their solid waste disposal costs were met completely by tipping fees; 13 met disposal costs with ad valorem revenues or general fund monies; and 1 met disposal costs with user fees. The remaining 25 counties used some combination of these revenue sources along with federal revenue sharing funds and state funds to meet solid waste disposal costs. Experts believe that people will not have the incentive to reduce the amount of waste they dispose of if they are unaware of what it actually costs them for solid waste collection and disposal.

To meet stringent state requirements for construction of landfills in Florida, most new landfills must have liners and leachate, stormwater, and landfill gas controls. New landfill construction costs in 1985 were estimated by the DER to average $73,500 per acre. Costs may vary depending on the characteristics of a landfill site. For example, the DER reports that the landfill construction cost for a site in Palm Beach County is estimated at $400,000 per acre.

Landfill closure rules adopted in 1985 require that full landfills be properly closed using methods for controlling infiltration of rainwater and controlling stormwater runoff, leachate, and landfill gas. Based on 1985 information, the DER has estimated that the average initial costs for closure of landfills in Florida range from $65,000 to $150,000 per acre.

The estimated cost of constructing a waste-to-energy facility is approximately $100,000 per design ton. Using this estimate, the proposed 3,000 ton per day facility being considered by Jacksonville could cost $300 million to construct.

The high costs incurred for solid waste management are prompting some local governments to examine the option of forming regional organizations for solid waste management. Although regionalization of solid waste management responsibilities appears attractive, questions have been raised about (1) the financial capability of regional organizations; (2) the ability of regional organizations to site solid waste management facilities; (3) the ability of regional organizations to control the flow of solid waste in a region; and (4) the potential liability for problems with regional facilities.

Littering of Florida's highways, beaches, and recreational areas continues to require significant state expenditures and labor for cleanup. In FY 1986-1987, the Florida Department of Transportation (DOT) collected 67,182 cubic yards of litter at a cost of $3.26 million. This represents an increase from FY 1985-1986 of 17,000 cubic yards of litter collected and an increase in litter collection costs of almost $500,000. According to a recently released litter survey by the DOT, the amount of litter per lane-mile of highway has more than doubled from FY 1976-1977 to FY 1986-1987.
Solid Waste Generation and Disposal

The Department of Environmental Regulation has provided a draft document that shows the average solid waste generation rate in Florida to be slightly more than seven pounds of solid waste per day per person. Statewide, approximately 42,000 tons per day or 15.3 million tons per year of solid waste are generated. By the year 2000, it is projected that nearly twice the amount of solid waste generated today, or 30 million tons, will be generated.

The composition of solid waste disposed of in Florida varies throughout the state. According to a recent report by the Research Center for Waste Utilization at the Florida Institute of Technology and correspondence from the Pinellas County Solid Waste Management Division, the composition of solid waste in Brevard County and Pinellas County is as follows:

<table>
<thead>
<tr>
<th>Waste Component</th>
<th>Brevard</th>
<th>Pinellas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper</td>
<td>37%</td>
<td>30%</td>
</tr>
<tr>
<td>Cardboard</td>
<td>12%</td>
<td>4%</td>
</tr>
<tr>
<td>Plastics</td>
<td>7%</td>
<td>2%</td>
</tr>
<tr>
<td>Cloth</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Vegetation</td>
<td>17%</td>
<td>42%</td>
</tr>
<tr>
<td>Wood</td>
<td>6%</td>
<td>1%</td>
</tr>
<tr>
<td>Glass</td>
<td>5%</td>
<td>6%</td>
</tr>
<tr>
<td>Metals</td>
<td>5%</td>
<td>8%</td>
</tr>
<tr>
<td>Miscellaneous (food, dirt, etc.)</td>
<td>8%</td>
<td>5%</td>
</tr>
</tbody>
</table>

According to a draft DER document, the ratio of disposal practices for solid waste generated in Florida is about 65 percent landfill, 25 percent incineration or waste-to-energy, and 10 percent recycling or other method. The DER's estimation of recycling in Florida is based on a 1980 survey of the recycling industry. The department is currently updating this survey to determine the present rate of recycling in the state.

There are currently about 170 permitted landfills in the state. In 1975, there were over 500 permitted landfills. A reduction in the number of permitted landfills in the state is expected as costs for construction and closure rise and the siting of landfills becomes more difficult. Of the 9,400 acres of active, permitted landfills existing in 1987, 3,160 acres (or 33 percent) are scheduled to close by 1995.

There are nine operating waste-to-energy facilities in the state burning approximately 9,000 tons of solid waste per day. An additional seven facilities may be operating by 1992, bringing the state's total capacity for waste-to-energy facilities to 22,000 tons of solid waste burned per day.

The DER estimates that 10 percent of the solid waste in the state is recycled based on a 1980 survey showing that 1.1 million tons of paper, glass, and metal were recycled and consumed in Florida. There are no definitive recent figures on the recycling rate in Florida.
Current Solid Waste Management Requirements

The Florida Resource Recovery and Management Act (part IV, chapter 403, Florida Statutes), was passed by the Legislature in 1974 to "promote the application of resource recovery systems which preserve and enhance the quality of air, water, and land resources." Among other things, the act required the DER to adopt a state program for resource recovery and management by 1976 and required local governments to prepare local resource recovery and management programs by 1978. The state program was adopted by rule in 1976 (part II, chapter 17-7, Florida Administrative Code). The state resource recovery and management program primarily consists of requirements for the contents of local resource recovery and management programs submitted to the DER and guidelines on what should be in a local program.

The act was amended in 1976 to require the designation of only certain counties which were to prepare local resource recovery and management programs. Nineteen counties were designated by rule to prepare programs. All of these counties submitted programs to the DER for approval by 1981. Six counties have submitted updated programs to DER since 1981.

Since it was enacted in 1974, the Florida Resource Recovery and Management Act has been amended several times to provide additional requirements for solid and hazardous waste management. In 1980, chapter 80-302, Laws of Florida, expanded the act to add requirements for hazardous waste management. In 1983, chapter 83-310, Laws of Florida, amended several sections of the act relating to hazardous waste management and added provisions on closure of resource recovery and management facilities, disposal of solid waste on a person's own property, and disposal of solid waste near Class I surface waters. In 1984, chapter 84-338, Laws of Florida, amended the act to require consideration of the cost-effectiveness of landfill construction and closure methods and to allow the DER to issue variances from closure rules under certain circumstances.

In general, part IV of chapter 403, F.S., contains provisions relating to the state resource recovery and management program; local resource recovery and management programs; procurement of recovered materials by state agencies; permitting of resource recovery and management facilities; prohibitions and penalties relating to solid waste disposal; a resource recovery and management trust fund; the use of revenue bonds for development of resource recovery and management facilities; the transport of solid waste; the development of a paper recycling program by the Department of General Services; certification of resource recovery equipment for sales tax credits; and requirements relating to hazardous waste management and used oil collection and recycling.

Other actions have been taken over the past twelve years in attempts to provide for proper solid waste management and disposal. Some of these actions include:
(1) Passage of the federal Resource Recovery and Conservation Act of 1976 (RCRA). Subtitle D of RCRA provided limited federal supervision of state and local solid waste management. Under Subtitle D, states were required to prepare and submit solid waste management plans to the U.S. Environmental Protection Agency (EPA).

(2) Publication of the Florida Solid Waste Management Plan in 1981 in response to Subtitle D of RCRA. The plan has not been updated since its publication due to lack of funding.

(3) Passage of amendments to RCRA in 1984. Most of the amendments related to hazardous waste management. The amendments did require a study by the U.S. EPA of existing federal guidelines and criteria for solid waste management and disposal facilities by November 1987. EPA has prepared a draft study of the federal guidelines and criteria. A final study is expected to be released in April 1988.

(4) Adoption by the DER in 1985 of rules (part I, chapter 17-7, Florida Administrative Code) for the construction, closure, and monitoring of landfills and requirements for volume reduction plants, transfer stations, and resource recovery facilities.

There are two specific references to litter and littering in current law. Section 15.041, F.S., establishes a state litter control symbol. Section 403.413, F.S., provides a definition of litter and provides a penalty of a second degree misdemeanor for littering. Enforcement of Florida's litter law is the responsibility of law enforcement officers and designated county and city litter enforcement officers. The Department of Transportation places signs along state highways to notify drivers of litter penalties, but there is no statewide anti-litter campaign in place at this time.

**Pricing of Electricity from Waste-to-Energy Facilities**

The rates paid for electricity generated by public waste-to-energy facilities has been a matter of considerable debate. The federal Public Utilities Regulatory Policies Act of 1978 provided for the development of regulations to require the purchase of electricity by any utility from cogenerators of electricity and small power producers (such as waste-to-energy facilities). The regulations established guidelines for state regulatory authorities to set rates for the purchase of the electricity. The Florida Public Service Commission (PSC) is the state authority charged with establishing these rates under s. 366.05(9), F.S.. The rates established by the PSC for electricity from public waste-to-energy facilities and cogenerators are based on the avoided cost to utilities for electric generating facilities that the utilities do not have to construct because of the additional electricity produced by waste-to-energy facilities and cogenerators.
Recently, local governments have expressed concerns about the rates paid for electricity that is generated by waste-to-energy facilities they operate. In a report entitled Fair Electrical Pricing Study for Florida Resource Recovery Facilities (which was funded by ten local governments in Florida which operate waste-to-energy facilities), it was argued that the rates paid for the electricity generated by public waste-to-energy facilities are too low and are not fair prices for the electricity generated. The authors of the report contend, among other things, that local governments which operate waste-to-energy facilities are paying more than twice as much to purchase electricity as they are paid to produce electricity. One of the authors' primary recommendations is that rates be established for electricity from waste-to-energy facilities that are consistent with a utility's average retail electric rate or that a minimum "floor" price be paid for such electricity.

The Public Service Commission, in a response to the fair pricing report, has indicated that electric ratepayers should not be required to pay for the disposal of solid waste by waste-to-energy facilities and that any additional payment to these facilities beyond "fully avoided cost" would result in ratepayers subsidizing the disposal of solid waste. The commission stated in its response that "increasing the rates paid by electric utility customers in order to subsidize the disposal of solid waste is not within the purview of the commission rather this would be a legislative policy decision."

The commission has suggested that legislation be enacted to promote the development of waste-to-energy facilities and keep electric rates reasonable by: (1) allowing the commission to distinguish between rates paid for electricity from public waste-to-energy facilities and other cogenerators; (2) exempting waste-to-energy facilities from risk factors used in determining avoided costs; (3) allowing level payments of capacity and energy costs; and (4) encouraging the renegotiation of existing contracts for electricity from waste-to-energy facilities.

**Solid waste management options**

Although Florida law encourages the state and local governments to provide for recycling, the traditional reliance on landfills and the increased use of waste-to-energy facilities for disposal of solid waste have led to limited development of programs for recycling and reducing solid waste amounts prior to processing or disposal. There has not been a statewide focus on recycling of solid waste and reducing the amount of solid waste which ultimately must be disposed.

Several studies have reported the potential environmental and financial benefits of recycling and solid waste reduction. According to a 1987 paper by the Worldwatch Institute entitled Mining Urban Wastes: The Potential For Recycling, the environmental benefits derived from substituting secondary (recycled) materials for virgin resources is as follows:
Environmental Benefit | Aluminum | Glass | Paper | Steel
---|---|---|---|---
Energy use | 90-97% | 4-32% | 23-74% | 47-74%
Air pollution | 95 | 20 | 74 | 85
Water pollution | 97 | -- | 35 | 76
Mining wastes | -- | 80 | -- | 97
Water use | -- | 50 | 58 | 40

In terms of financial benefits, a 1985 survey done by the Pennsylvania Department of Environmental Regulation showed that the cost for programs of curbside collection of recyclable material in 33 communities in Pennsylvania averaged $23.18 per ton of recycled material. The average tipping fee of the communities was $31.46 per ton, or $8.28 more than the cost of curbside collection. After adding the revenues received from selling the recycled materials to the avoided cost of disposing of the material, it was found that the recycling programs made an average profit of $26.77 per ton of recycled material.

The effectiveness of recycling and solid waste reduction programs, however, is dependent on several factors, including the cost of alternative disposal methods, participation rates, available markets for recycled materials, and rates paid for recycled materials. Fluctuations in the price paid for a recycled material are common. Markets for recycled materials may not be available within a reasonable distance from where the materials are collected.

If recycling rates are to be increased in Florida, efforts should be made to enhance public and private markets for recycled materials and products made from recycled materials. Government procurement procedures could be revised to encourage purchase of materials with recycled content. According to a 1980 report prepared by the DER entitled The Procurement of Products Containing Recycled Materials, the estimated annual expenditure by the state in 1980 for products that potentially could contain recycled material was over $43 million. In addition, a price preference could be provided to contract bidders providing materials with some recycled content.

Private markets could be enhanced through the use of tax refunds or credits for using recycled material in manufacturing processes or for exporting recycled material to processing facilities in other states. Economic development programs of the state could be used to determine the marketability of recycled materials and encourage the siting in Florida of businesses that use recycled materials in manufacturing processes.

Finally, public awareness of the need for recycling, solid waste reduction, and proper solid waste management should be increased. State and local programs of public education on solid waste management should be developed.
B. Effect of Proposed Changes:

Short title, legislative intent, powers and duties of the Department of Environmental Regulation, and definitions

The bill substantially amends the Florida Resource Recovery and Management Act (part IV, chapter 403, F.S.). The legislative intent of the act is amended to require safe, proper, and environmentally sound solid waste management rather than just resource recovery and management. Intent language is added to ensure that solid waste reduction, recycling, and public education on waste reduction and recycling are given consideration in solid waste management programs and to encourage the use of private enterprise in carrying out solid waste management functions.

The bill amends the powers and duties of the DER to place greater emphasis on solid waste reduction and recycling. The bill also deletes several statutory references and guidelines for the classification of landfills and provides DER with the authority to develop rules for classification of landfills.

The bill amends several existing definitions relating to solid waste and resource recovery. The bill adds definitions of municipal solid waste, recovered material, recyclable material, transfer station, special wastes, clean debris, solid waste processing, sludge, white goods, free liquid waste, and pathogenic waste.

Disposition of ash from solid waste management facilities that burn solid waste

The bill provides that ash from solid waste management facilities that burn solid waste should be disposed of according to rules developed by the DER. DER rulemaking is to be initiated by February 1, 1989. The DER also is required to work with solid waste management facilities that burn solid waste to identify and develop ways to recycle ash.

Full cost accounting

The bill provides that within one year of the effective date of the act, local governments are to determine the full cost incurred by the local government for solid waste management and develop a system to inform their residents of the full cost. After four years, local governments are required to ensure that the rates charged to their residents for solid waste management reflect the full cost for solid waste management. The calculation of the full cost would include revenues received from recycling programs and the sale of energy. This would ensure that solid waste management customers are aware of and paying for the full cost for solid waste management.

The bill also allows counties and municipalities to charge tipping fees that, in addition to other factors, may vary based on the amount, type, and characteristics of recyclable materials.
contained in solid waste brought to landfills or waste-to-energy facilities for disposal or processing.

The bill allows counties and municipalities to assess fees in addition to tipping fees to help pay for local solid waste management and recycling programs.

The bill requires the county tax collector to include any solid waste management fees, assessments, or rates as a separate item on the annual county or municipal property tax bill if requested to do so by a county or municipality. The county property appraiser is required to cooperate with the tax collector in performing this function.

State solid waste management program

The bill amends existing law which requires the development of a state solid waste management program. The bill requires the DER to develop a state solid waste management program and adopt the rules necessary to implement the program. The purposes of the program include: (1) providing for safe and orderly management of solid waste; (2) encouraging the regionalization of solid waste management programs; (3) providing planning, technical, and financial assistance to local governments and state agencies for solid waste management, recycling, and special waste management; (4) developing public awareness of and participation in programs for solid waste reduction and recycling in cooperation with other agencies and local governments; and (5) developing various technical assistance programs for determining the full cost for solid waste management, for local solid waste management, and for recycling. The DER is required to prepare an annual report on the status of solid waste management in the state.

Local solid waste management program development and review

The bill amends existing law to require all counties to develop, adopt, and implement local solid waste management programs.

The programs are to be adopted by resolution and submitted to DER for approval. For counties whose local comprehensive plans are due after March 1, 1990, the submittal dates for the programs are the same dates as for their comprehensive plans. For counties whose plans are to be submitted earlier than this date, the programs are to be submitted according to a schedule developed by DER. No program can be required to be submitted within 18 months of the effective date of the bill. Programs cannot be submitted later than 36 months after the effective date. Counties are encouraged to enter into interlocal agreements with other counties and municipalities to prepare a single local solid waste management programs for a region.

The local solid waste management programs are to be designed to achieve sufficient reduction of solid waste to meet reduction goals for municipal solid waste disposed of in a county. Each county is required to achieve, at a minimum:
(1) At least a 20 percent reduction of municipal solid waste within four years of the effective date of the bill;

(2) At least a 30 percent reduction of municipal solid waste within six years of the effective date of the bill; and

(3) At least a 35 percent reduction of municipal solid waste within eight years of the effective date of the bill.

The local solid waste management programs are to contain a county recycling program for the service area of the county. The recycling programs can be in one of several forms, depending on the waste characteristics of a particular county. The recycling programs can consist of: (1) a system of separating and collecting recyclable materials, at the site of a landfill or waste-to-energy facility, before landfilling or burning; (2) a system of separation and collection sites throughout a county for recycling; (3) curbside collection of recyclable materials, which have been separated by a homeowner or business, on a periodic basis; or (4) an alternative system of recycling that meets the requirements of the act and that is approved by the DER. In addition to yard trash, the recycling programs must involve the recycling of at least four of the following materials: glass, aluminum, steel and bimetallic materials, newsprint, office paper, corrugated paper, and plastics.

The bill allows counties to enter into written agreements or contracts with any person (including a municipality) under which that person would develop and implement the county's recycling program. Counties and municipalities may jointly develop local solid waste management and recycling programs under certain conditions. Counties are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

The local solid waste management programs are to contain a public education program on recycling and waste reduction. The programs also are to contain special waste management programs to deal with wastes that cause disposal problems. Counties are directed to work with the construction industry to develop alternative methods of disposing of construction debris.

The local solid waste management programs are to be developed under a system of county and municipal cooperation. After adoption of the programs by the counties, the programs must be ratified by more than one-half of the municipalities in a county representing more than one-half of the municipal population of the county. Adopted and ratified programs are to be submitted to the DER for approval. If the programs are not ratified, the counties are required to revise the programs to address the municipalities' concerns or provide written responses to the municipalities explaining why the program was not revised. Adopted and ratified revised programs are to be submitted to the DER for approval. Revised programs that are adopted but not ratified are sent to the DER for approval along with a statement...
of objections from the municipalities which did not ratify the program.

The DER may approve the programs or disapprove the programs and return them to the appropriate counties for revision. If the programs are disapproved, the county loses eligibility for grants from the Solid Waste Management Trust Fund until the program is approved.

If a county does not develop, adopt, and implement a local solid waste management program, the county loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from the DER for any other purpose withheld.

Municipal recycling programs

The bill requires municipalities of 5,000 or more people to develop, adopt, and implement recycling programs. The recycling programs are to be developed in the same manner as the recycling programs described under the local solid waste management programs that are to be prepared by the counties. Municipalities of less than 5,000 people do not have to develop and implement recycling programs but may do so in order to obtain grants from the Solid Waste Management Trust Fund.

The bill allows municipalities to jointly develop recycling programs with the county within which the municipality is located. Joint development of these programs can only be accomplished under a written agreement between a county and a municipality.

The bill allows municipalities to enter into written agreements or contracts with any person (including a county) under which that person would develop and implement the municipality's recycling program. Municipalities are encouraged to use for-profit and nonprofit organizations to develop and implement the recycling program.

Municipal recycling programs developed and adopted independently of county local solid waste management programs would have to be approved by the DER. Programs that are disapproved by DER may be revised by the municipality. If the program is disapproved, the municipality would lose eligibility for grants from the Solid Waste Management Trust Fund until the program is approved.

If a municipality does not develop, adopt, and implement a recycling program, the municipality loses eligibility for grants from the trust fund and may, at the discretion of the DER, have funding that is provided from DER for any other purpose withheld.

Procurement of products with recycled content by government agencies; review of specifications by government agencies for using materials with recycled content; recycling of materials by state agencies and the state educational system.
The bill requires the Department of General Services to evaluate products or materials normally purchased by the state to determine if products or materials with recycled content can be purchased instead. The department is to determine how much recycled content could feasibly be contained in such products or materials. The department and other agencies are authorized to grant up to a 10 percent price preference to persons bidding on public contracts that involve the purchase of materials when such persons offer materials containing a specified amount of recycled content.

The bill requires the Department of General Services and the Department of Transportation to review their procurement and bid specifications, respectively, to ensure that recyclable materials, or products or materials with recycled content, are purchased or used when possible.

The bill requires all state agencies to establish programs for recycling waste materials generated in the course of agency operations and to use composted materials when feasible. The bill requires the Department of Education, working with the DER and the state university system, to develop guidelines for recycling within the state education system. School districts in the state are required to develop programs for recycling awareness and the Department of Education is required to develop curriculum materials for recycling in all school levels.

The bill requires the Department of Commerce to promote the expansion of the recycling industry in Florida, analyze markets for recyclable materials, and promote the development of businesses that use recyclable materials.

Permits and prohibitions

The bill amends existing law to exempt from permitting the disposal of solid waste generated by persons from their residential property or from normal farming operations on their own property. Current law allows any person to dispose of solid waste on their own property, regardless of whether it is solid waste from residential activities or disposed of on residential property. The bill would exempt persons disposing of solid waste on their own property from solid waste permitting if the environmental effects of the disposal is addressed or authorized by another permit under chapter 403 F.S., or is addressed or authorized by, or exempted from, a groundwater monitoring plan under chapter 403, F.S.

The bill amends existing law to remove the exemption from permitting for construction and demolition debris. The bill instead exempts clean debris, as defined in the bill, from permitting for disposal. The bill also allows the DER to refuse to issue a permit for a solid waste management facility to an applicant who has repeatedly violated statutes, rules, orders, or permit conditions pertaining to solid waste management facilities and who has been determined to be irresponsible by the DER. "Irresponsible" would be defined by rule by the department.
The bill would prohibit the sale or distribution in the state of convenience or fast food packaged in a polyvinyl or polystyrene foam containers after July 1, 1990. The bill also prohibits the sale, distribution, or exposure for sale of beverage containers, nonsolid food containers, or nonfood liquid containers that contain more than one type of plastic resin after July 1, 1990. Provisions are made for the review of alternative packaging materials for both these items and a extension of the date for or an exemption from these bans if the alternative materials are used in place of the banned packaging.

The bill prohibits the sale or distribution in the state of plastic containers that do not have certain molded labels indicating the type of plastic used in the container. Such labelling would make it easier to identify plastic containers which can be recycled.

The bill would prohibit water management districts from regulating solid waste disposal unless district rules for solid waste disposal are approved by the DER.

The bill prohibits the disposal in landfills of certain solid wastes after a specified date. Solid wastes prohibited include: lead-acid, mercury, and nickel-cadmium batteries (1989); used oil (1990); whole scrap tires (1992); yard trash, except in designated landfills and except where the yard trash will be used at a composting facility (1992); white goods, meaning discarded refrigerators, washing machines, and other large appliances (1992); and free liquid waste (1992). The bill requires DER to identify and assist in developing programs for disposing of these wastes prior to the prohibition dates.

Solid Waste Management Trust Fund

The bill creates the Solid Waste Management Trust Fund which is to be funded from two sources:

(1) A $1.50 solid waste management fee to be assessed on each ton (or, where solid waste is measured by volume, four cubic yards) of solid waste disposed of at a landfill or processed at a waste-to-energy facility. The fee is not assessed on disposal of process waste (ash) from a waste-to-energy facility. Preliminary estimates are that the fee will generate approximately $16.5 million.

(2) A product waste disposal fee to be assessed on the retail sales of tangible personal property in the state at a rate of 2-cents per $100. The fee is not assessed on admissions, rentals, telecommunications, or utilities. Preliminary estimates are that the fee will generate approximately $23 million.

The bill provides for allocation of the trust fund money for grants in the following manner:
(1) At least 40 percent to counties and municipalities to pay 50 percent of the costs to develop and implement, or contract with other persons to develop and implement, recycling programs, including the purchase of capital equipment for recycling (local governments could receive grants for future expenses incurred under an existing recycling program);

(2) At least 20 percent to counties to pay 50 percent of the costs to develop and implement local solid waste management programs, including studies, analyses, composting programs, and problem waste management programs;

(3) No more than 25 percent to local governments to pay 50 percent of the cost of closing, monitoring, and making improvements to existing landfills (priority in grants is to be given to local governments under consent orders to close their landfills);

(4) No more than 5 percent for research and development on specific issues;

(5) No more than 10 percent on public education, model program development, technical assistance, and hazardous substance and waste reduction programs;

(6) No more than 5 percent to other state agencies to perform their duties required by the act; and

(7) No more than $3,000,000 per year is to be used to provide refunds to businesses in the state that use recyclable materials in their manufacturing processes for taxes paid under the Corporate Income Tax provisions of chapter 220, F.S.

**Hazardous substance reduction and waste reduction and elimination assistance program**

The bill requires the DER to establish an assistance program to help businesses, industries, and other persons in reducing the volume and toxicity of hazardous waste produced and reducing the volume of hazardous substances used in Florida.

**Interlocal agreements; regional solid waste management**

The bill amends existing law to provide better control over the amounts of solid waste disposed of in a particular region or county by allowing counties to designate solid waste management facilities for the handling of waste from municipalities except where a municipality is using an existing, permitted solid waste management facility. The bill provides that a county's designation of a facility and the approval of such designation by DER as part of the county's local solid waste management program shall be upheld unless the municipality demonstrates that the designation would pose a higher financial burden on the citizens of a municipality than it would on the citizens in the unincorporated part of the county. The bill also allows a
municipality to use a facility solely for recycling other than the one designated by a county.

The bill also allows the use of eminent domain powers where expressly authorized under an interlocal agreement and extends sovereign immunity where expressly authorized by an interlocal agreement. The interlocal agreement would have to be formed by local governments for these powers to apply.

**University Solid and Hazardous Waste Management Research**

The bill requires the state Board of Regents, through the Office of the Chancellor, to coordinate state university research and information dissemination on solid and hazardous waste management research. The Chancellor would be required to appoint an advisory council to oversee the coordination of research activities. The Board of Regents also would be responsible for designating a state university or universities to conduct a one-year study of the commercial packaging of products and its effects on solid waste management and litter control.

**Used oil**

The bill amends several sections of existing law relating to programs for recycling and reuse of used oil and creates several new sections of law to provide for: (1) the development of used oil collection centers; (2) the development of a grants program to local governments to encourage collection, reuse, and proper disposal of used oil; (3) the development of a statewide incentives program to encourage the return of used oil to used oil collection centers; (4) the establishment of standards, requirements, and procedures for used oil transporters and recyclers; (5) the certification of used oil transporters; and (6) the permitting of used oil recycling facilities.

**Restrictions on Beverage Containers**

The bill provides that after July 1, 1989, no beverage containers shall be sold in Florida if they have detachable metal rings or tabs or if they are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable. These restrictions are to be jointly enforced by the Department of Agriculture and Consumer Services and the Department of Business Regulation as part of their normal inspection programs.

**Pricing of electricity generated by public waste-to-energy facilities**

The bill amends s. 377.709, Florida Statutes, which deals with advanced funding of local government waste-to-energy facilities by electric utilities. This section of the bill was developed by the Public Service Commission (PSC) to address the issue of prices paid to public waste-to-energy facilities for electricity generated by those facilities. This provision of the bill would:
(1) Allow the PSC to make a distinction between prices paid by utilities for electricity from public waste-to-energy facilities and from other cogenerators. The bill would authorize the PSC to exempt public waste-to-energy facilities from risk factors used in determining avoided capacity costs and allow level payments of capacity and energy costs; and

(2) Encourage the renegotiation of existing contracts between electric utilities and public waste-to-energy facilities.

**Statewide Litter Program**

The bill creates a statewide litter prevention program under the direction of a Clean Florida Commission within the Department of Transportation. The commission is to serve as the coordinating body for the statewide program, which is to involve various levels of government, local organizations, and other members of the public. The responsibilities of the commission include: (1) development of a highly visible anti-litter campaign focusing on persons who repeatedly litter; (2) conducting an ongoing public education program on litter prevention; (3) providing grants to local governments and nonprofit organizations to implement litter prevention programs; and (4) preparing an annual report to the Governor and the Legislature on the implementation of the litter prevention program. The bill provides for state financial assistance for the establishment of a nonprofit organization called "Keep Florida Beautiful."

**Solid Waste Control and Recycling Investment Tax Incentive**

The bill provides an exemption from the state sales and use tax for machinery, equipment, pollution control devices, vehicles, facilities (including real and personal property), and purchased power used in collection, processing, recycling, composting, compounding, or remanufacture of solid waste or solid waste products. The exemption would sunset eight years from the effective date of the bill.

**License Tax to Reimburse Costs for Towing, Storing, and Disposing of Abandoned Vehicles**

The bill provides that an annual license tax of $2.00 is to be imposed upon the registration or renewal of registration of a motor vehicle. The proceeds from the tax are to be deposited in the State Transportation Trust Fund to reimburse persons who tow, store, and dispose of abandoned or unclaimed wrecked vehicles for costs incurred in handling the vehicles.

**Biohazardous Waste**

The bill establishes definitions, general standards, and agency responsibilities for the management of biohazardous waste. Biohazardous waste is generally defined as any solid or liquid waste that may present the threat of infection to humans. Examples of biohazardous waste are provided in the bill in the
The definition of biohazardous waste, which replaces the definition of infectious waste in s. 395.002(13)(c), F.S.

The Department of Health and Rehabilitative Services (DHRS) is given the responsibility of regulating the packaging, storage, and treatment of biohazardous waste at facilities which generate such waste. The DHRS is required to develop rules to carry out this responsibility. The DER is given the responsibility of regulating the transport and disposal or incineration of biohazardous waste from the point where the waste leaves the facility where it is generated. Both agencies are required to enter into an interagency agreement to ensure that biohazardous waste is properly managed.

The bill provides for the enforcement of biohazardous waste laws and rules under the public health protection authority of the DHRS in s. 381.031, F.S. Persons violating biohazardous waste laws or rules would be subject to existing penalties and administrative fines that may be imposed by the DHRS under the provisions of ss. 381.112 and 381.411, F.S., except that maximum fines for each day's violation may be increased from $500 to $2,500 per day.

C. Section by Section Analysis:

Section 1 -- Amends s. 403.701, F.S., to change the short title of the Florida Resource Recovery and Management Act to the Florida Solid Waste Management Act.

Section 2 -- Amends s. 403.702, F.S., to amend the legislative findings of the Florida Resource Recovery and Management Act.

Section 3 -- Amends s. 403.703, F.S., to change existing definitions and add new definitions relating to solid waste management.

Section 4 -- Amends s. 316.003(69), F.S., to correct references.

Section 5 -- Amends s. 319.30, F.S., to correct references.

Section 6 -- Amends s. 403.704, F.S., to change existing powers and duties and add new powers and duties of the Department of Environmental Regulation for solid waste management;

Section 7 -- Amends s. 403.7045, F.S., to provide that the disposal of pathogenic wastes shall be regulated pursuant to methods authorized by the Department of Environmental Regulation; requires disposal of ash from solid waste management facilities which burn solid waste according to rules developed by DER for such disposal; requires rulemaking to be initiated by February 1, 1989.

Section 8 -- Creates s. 403.7049, to require local governments to determine the full cost for solid waste management; requires establishment of a system to inform solid waste management
customers of the full cost for solid waste management; requires
local governments, within four years of the effective date of the
bill, to ensure that rates charged for solid waste management
include the full cost; authorizes local governments to charge
varying disposal fees for disposal of unrecycled solid waste;
authorizes local governments to impose fees for solid waste
disposal to fund solid waste management and recycling programs.

Section 9 -- Amends s. 403.705, F.S., to require the Department
of Environmental Regulation to develop a state solid waste
management program and implementing rules; substantially amends
existing law on the purpose of the state resource recovery and
management program.

Section 10 -- Amends s. 403.706, F.S., to require counties to
develop, adopt, and implement local solid waste management
programs; establishes the required content of the programs,
including a recycling program, a public education program, and a
special waste management program; allows development of a local
solid waste management program for a region by interlocal
agreement; allows joint development of recycling and solid waste
management programs; requires municipalities to use solid waste
management facilities designated by a county except under certain
circumstances.

Section 11 -- Creates s. 403.7061, F.S., to provide procedures
for development and adoption of local solid waste management
programs.

Section 12 -- Creates s. 403.7063, F.S., to provide procedures
and criteria for review and approval of local solid waste
management programs by the Department of Environmental
Regulation; provides penalties.

Section 13 -- Creates s. 403.7064, F.S., to require
municipalities to develop, adopt, and implement recycling
programs; establishes the required content of the programs;
provides for joint development of recycling programs by
municipalities and counties; provides penalties.

Section 14 -- Amends s. 403.7065, F.S., to provide for state
agency procurement of products or materials with recycled
content.

Section 15 -- Creates s. 403.7068, F.S., to authorize the
Department of Environmental Regulation to request the State
Treasurer to withhold funds provided by the department to
counties and municipalities for failure to develop, adopt, and
implement local solid waste management and recycling programs.

Section 16 -- Amends s. 403.707, F.S., to limit the exemption
from solid waste permitting to disposal onsite of solid waste
generated on residential property or from normal farming
operations; allows an exemption from solid waste permitting for
disposal activities permitted under other provisions of chapter
403, F.S.; deletes the exemption from solid waste permitting for
construction and demolition debris; allows an exemption from permitting for disposal of clean debris as defined in the bill; authorizes the Department of Environmental Regulation to refuse to issue a solid waste disposal permit to applicants with a history of violating statutes, rules, orders, or permit conditions relating to any solid waste management facility and who is determined to be irresponsible by the DER; requires DER to define "irresponsible" by rule.

Section 17 -- Amends s. 403.708, F.S., to prohibit disposal of certain solid wastes in landfills after specified dates.

Section 18 -- Amends s. 403.709, F.S., to establish a Solid Waste Management Trust Fund; provides for disbursement of monies in the trust fund; establishes a solid waste management fee to be imposed on solid waste disposed of at certain solid waste management facilities; establishes a product waste disposal fee to be assessed on the retail sales of tangible personal property in the state; provides exemptions from the product waste disposal fee.

Section 19 -- Amends s. 403.714, F.S., to require recycling and solid waste reduction by state agencies.

Section 20 -- Creates s. 403.7223, F.S., to establish a state assistance program for hazardous substance reduction and waste elimination and reduction.

Section 21 -- Amends s. 163.01, F.S., to allow the use of eminent domain powers by public agencies formed by an interlocal agreement among counties and municipalities; extends sovereign immunity to public agencies formed by an interlocal agreement among counties and municipalities.

Section 22 -- Creates s. 287.05, F.S., to require the Department of General Services (DGS) to review and revise its specifications to increase the purchase and use of recycled materials; requires the DGS to determine the feasibility of procuring certain products or materials with recycled content and to establish minimum amounts of recycled content for such products and materials; authorizes the DGS and other agencies to offer a 10 percent price preference for procurement of products or materials with specified amounts of recycled content.

Section 23 -- Amends s. 288.03, F.S., to require the Department of Commerce to promote and encourage markets for and the expansion of the recycling industry in Florida.

Section 24 -- Amends s. 337.02, F.S., to require the Department of Transportation to review and revise its bid procedures and specifications to increase the purchase and use of recycled materials.

Section 25 -- Requires the Board of Regents, through the Office of the Chancellor, to coordinate state university research and information dissemination on solid and hazardous waste
management; requires a one-year study of commercial product packaging.

Sections 26 to 33 -- Amend ss. 403.75, 403.751, 403.753, 403.754, 403.7545, 403.757, 403.758, and 403.759, F.S., relating to the recycling and reuse of used oil.

Section 34 to 39 -- Create ss. 403.760, 403.761, 403.763, 403.765, 403.767, and 403.769, F.S., relating to the recycling and reuse of used oil.

Section 40 -- Provides that no beverage containers may be sold that are sealed with detachable metal tabs or that are connected to other beverage containers by a separate holding device that is not biodegradable or photodegradable; provides definitions; provides an effective date of July 1, 1989, for these restrictions; requires the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation and the Department of Agriculture and Consumer Services to coordinate the enforcement of beverage container restrictions; provides fines for violations of the restrictions.

Section 41 -- Amends s. 377.709, F.S., to provide for the establishment of an electric energy pricing program for prices paid for electricity generated by public waste-to-energy facilities.

Section 42 -- Provides for the establishment of a statewide litter prevention program; provides legislative intent; establishes the Clean Florida Commission within the Department of Transportation; provides powers and duties of the commission.

Section 43 -- Creates s. 381.80, F.S., to require the Department of Health and Rehabilitative Services (DHRS) to regulate the packaging, storage, and treatment of biohazardous waste; requires the DER to regulate the transport, disposal, and incineration of biohazardous waste; provides definitions; requires the DHRS to adopt rules for the regulation of biohazardous waste; provides penalties and enforcement powers for violations of this section.

Section 44 -- Amends s. 395.002(13)(c), F.S., to replace an existing definition of infectious waste with a definition of biohazardous waste.

Section 45 Amends s. 395.0101, F.S., to correct references.

Section 46 Provides for an exemption from the state sales and use tax for the purchase of equipment, facilities, purchased power, and other items that are used for solid waste management and recycling; provides a sunset for the exemption.

Section 47 -- Provides that state agencies and local governments should use the most cost-effective means for providing solid waste management services; encourages agencies and local governments to use private enterprise for such services where it is more cost effective.
Section 48 -- Creates s. 320.0802, F.S., to levy an annual license tax of $2.00 on the registration or renewal of registration of vehicles; requires that revenue collected from the tax be deposited in the State Transportation Trust Fund.

Section 49 -- Amends s. 320.20, F.S., to provide that $2.00 of each license tax paid on the registration or reregistration of a motor vehicle that is deposited in the State Transportation Trust Fund be used to pay the cost of towing, storing, and disposing of abandoned vehicles.

Section 50 -- Amends s. 339.08, F.S., to authorize the expenditure of moneys in the State Transportation Trust Fund to reimburse owners and operators of motor vehicle towing and storage businesses for their costs of towing, storing, and disposing of unclaimed, wrecked, inoperable vehicles.

Section 51 -- Amends s. 713.78, F.S., to allow the owner or operator of a storage space to dispose of unclaimed vehicles if the vehicles are wrecked, inoperable, and of little or no salvage value; requires the owner or operator to attempt to sell the vehicle before disposal; authorizes the owner or operator of a storage place to apply for reimbursement from the State Transportation Trust Fund for costs incurred in towing, storing, and disposing of unclaimed, wrecked, inoperable vehicles.

Section 52 Provides appropriations.

Section 53 Provides an effective date.

II. ECONOMIC IMPACT:

A. Public:

The bill would have the following economic impacts on the public:

(1) Solid waste collection and disposal rates may increase when local governments begin charging customers the actual total cost for solid waste collection and disposal four years from the effective date of the bill. The increase in rates should be offset by reductions in the use of other revenue sources to pay for solid waste management and an increase in the avoided cost of disposal.

(2) The public may be required to pay part of the cost for new or expanded recycling and solid waste reduction services provided by local governments. Part of the costs for these programs should be offset by funds from the Solid Waste Management Trust Fund, revenues from the sale of recycled materials, and increased avoided costs of disposal of solid waste.

(3) The public may be required to pay indirectly for the solid waste disposal fee of $1.50 per ton of waste disposed if the
fee is passed on to the public as part of normal solid waste collection and disposal service.

(4) Private industry will be affected by the product waste disposal fee. For example, if a retail business generated $10 million in sales per year, the annual amount of fees collected would be $2000 or $167 per month.

(5) The public should benefit from the programs in the bill through reduced energy costs from increased recycling; protection of natural resources from unnecessary consumption because of increased recycling; lower overall costs for disposing of solid waste because of the reduction in the amount of waste that must be disposed; protection of drinking water and the environment because of the prohibition of problem wastes from landfills; and a decreased need to use valuable land for solid waste disposal areas.

(6) The beverage industry may experience a slight cost increase due to the container restrictions on metal detachable tabs and container connectors. Since most beverage containers are already manufactured with nondetachable tabs and the price of degradable container connectors is not much higher than nondegradable connectors, the conversion costs should be minimal.

(7) The plastic container industry and the foam packaging industry will probably be negatively affected by the bans on certain types of materials and the labelling requirements for plastic containers provided for in the bill. Businesses which sell products packaged in these types of materials may experience cost increases if the replacement materials for the banned materials are more expensive to use.

(8) Electric ratepayers may be required to pay an additional amount for electric service if the Public Service Commission establishes rates which would allow local governments operating public waste-to-energy facilities to receive an increase in the rates paid for electricity generated by the facilities. However, solid waste management service customers may see a maintenance of or reduction in current solid waste disposal costs if higher rates are authorized.

(9) The public would be affected by having to pay an additional $2.00 per vehicle registration or registration renewal to reimburse persons who tow, store, or dispose of abandoned vehicles.

B. Government:

The bill contains two appropriations. An appropriation of $2,500,000 is made from the Petroleum Violation Escrow Account to the DER for carrying out several programs under the used oil provisions of the bill. A total appropriation of $3,000,000 from the Solid Waste Management Trust Fund is made for programs established under the litter prevention sections of the bill. It
is expected that other appropriations will be necessary for other provisions of the bill, particularly for agency functions required by the bill. These appropriations have not been determined at this time.

Counties and municipalities will probably incur costs for implementation of local solid waste management programs and recycling programs. These costs will be partially offset by grants from the Solid Waste Management Trust Fund and increased avoided costs of disposal. The actual costs to local governments will vary depending upon the solid waste characteristics in a particular area and the programs that are chosen to meet the solid waste and municipal solid waste reduction goals.

Local governments which own or operate landfills or waste-to-energy facilities will probably incur costs associated with the solid waste management fee of $1.50 per ton of waste disposed or processed. These costs may be passed on as part of the normal cost for collection and disposal of solid waste.

Government expenditures for products or materials may increase slightly to provide the 10 percent recycled materials price preference. These costs should be offset, however, by reduced disposal costs statewide from implementation of recycling programs and possibly from revenues received for recycled products.

Local governments that operate waste-to-energy facilities may receive additional revenue if the Public Service Commission establishes rates which would increase the price paid for electricity generated by public waste-to-energy facilities.

The state will probably experience a reduction in revenue collected under the state sales and use tax as a result of the exemption from the tax provided for the purchase of equipment and facilities used by businesses in recycling. The fiscal effects of this exemption have not been determined at this time.

III. STATE COMPREHENSIVE PLAN IMPACT:

The bill is consistent with the following goals and policies of the state comprehensive plan:

(8) WATER RESOURCES.--

(a) Goal.--Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

(b) Policies.--
9. Protect aquifers from depletion and contamination through appropriate regulatory programs through incentives.

10. Protect surface and groundwater quality and quantity in the state.

(13) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE.--

(a) Goal.--All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

(b) Policies.--

1. By 1995, reduce the volume of nonhazardous solid waste disposed of in landfills to 55 percent of the 1985 volume.

7. Encourage the research, development, and implementation of recycling, resource recovery, energy recovery, and other methods of using garbage, trash, sewage, slime, sludge, hazardous waste, and other waste.

8. Encourage coordination of intergovernmental and interstate waste management efforts.

IV. COMMENTS:

None.

V. AMENDMENTS:

None.

VI. PREPARED BY: David Hawley

VII. STAFF DIRECTOR: Barry Kling
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I. INTRODUCTION

On August 4, 1987, Senator John Vogt, President of the Florida Senate, appointed the Senate Select Committee on Solid Waste. The appointed members were:

Senator George Kirkpatrick, Chairman, from Gainesville;
Senator Wayne Hollingsworth, Vice Chairman, from Lake City;
Senator Eleanor Weinstock, from West Palm Beach;
Senator Dexter Lehtinen, from Miami; and
Senator Tom McPherson, from Fort Lauderdale.

The Senate President directed the Select Committee to:

a) examine the problems local governments were experiencing in operating, siting, and funding solid waste landfills;

b) review methods available for reducing solid waste volume; and

c) review related hazardous waste problems.

The Select Committee was further directed to develop solutions to these problems and make recommendations to the Senate before March 1, 1988.
11. SUMMARY

By the year 2000, the United States will generate an estimated 160 million tons of solid waste every year, almost 25 percent above present levels, and 60 percent above 1970 levels. At present, about 90 percent of these wastes are buried in solid waste landfills. Most of the remainder is burned, with or without energy recovery. The scenario in Florida is not much different.

Landfill acreage is being closed and new landfills are increasingly more difficult to site in Florida as the population increases, suitable lands are converted to other uses, and the public opposition swells. Although Florida is one of the leading states in the number of operating and proposed waste-to-energy facilities, the costs for these facilities are enormous, they rapidly are outdated, and the residue still needs to be landfilled. Alternatively, many communities in Florida are implementing recycling programs. Common materials recycled include aluminum, glass, and newspaper. These programs include curbside separation of wastes as well as separation after pick up. Recycling is serving to save precious landfill space, save natural resources, and generate income.

After considering the needs in the state and the alternative solutions, staff recommends that:
1) A comprehensive solid waste bill be developed that will address landfills, waste-to-energy facilities, recycling, planning, market development, revenue sources, grant or loan programs, industry and government partnerships and participation; and education;

2) Goals be set for achieving identifiable volume reduction for waste being sent to landfills;

3) State agencies and employees be required to participate in recycling programs for paper and aluminum cans in the work place;

4) The Department of Environmental Regulation be required to:

   a) increase enforcement on illegal solid and hazardous waste management and disposal;

   b) develop public education programs for adults and children relative to recycling;

   c) award research grants for pilot programs and new technology;

   d) provide technical assistance to local governments to facilitate proper solid waste management;
e) promote the development of new markets for recycled products within the private and public sectors;

f) continue planning for the state multipurpose hazardous waste facility and an integrated collection service program.

5) Local governments be required to:

a) plan for solid waste management and funding for the next 25 years;

b) establish the mechanisms needed to pay for proper waste management;

c) implement local or regional solid waste recycling and hazardous waste collection programs;

6) A Solid Waste Management Trust Fund be established to fund DER program activities, aide to local governments, research, market development, education, etc;

7) A local government grants program be established for: detailed solid waste planning, closure of landfill facilities, public education programs, and planning, construction and operation of recycling facilities and programs;
8) The sale or use of certain items be banned such as separable pop tops, plastic six-pack connectors, and excessive packaging;

9) A more predictable landfill siting process be instituted where final authority is vested in the Governor and Cabinet;

10) Sources of funds be identified to commit for the continuous funding of the Solid Waste Management Trust Fund which are partially based on items which are causing the most serious or voluminous management problems.

III. HISTORY

A. Charge to Committee

The appointment of the Select Committee was a result of a growing problem in the state - the disposal of solid waste. Considering each Floridian generates more than six pounds of solid waste each day for a total of 13 million tons per year statewide; a state population of 12,043,608 which is increasing at the rate of 774 persons each day; a decrease in availability of suitable land for landfills; more stringent environmental regulations; rising costs of disposal; and many solid waste facilities in violation of environmental standards, the Senate recognized the need to
find solutions before the solid waste problem reached crisis proportion statewide.

The Department of Environmental Regulation reported that:

a) By 1990, the state's solid waste generation will have increased by almost 5 million tons due to population growth and increased rates of generation (38% increase).

b) Solid waste generation rates of individuals are increasing by 11 percent per year (generation rates increase as income increases).

c) Cost of landfill disposal is increasing. From 1980 to 1985, landfill costs increased only an average of 10 percent per year, however, by 1990 we expect landfilling costs to increase by 86 percent over the 1985 level because of more stringent rules.

d) The cost of solid waste management is the second largest expense of local governments on a national basis.

e) Certain wastes present special problems that threaten the public health and safety, such as tires. Tires are a panacea for mosquito breeding and also a fire hazard.
f) The state goal is to reduce the solid waste going to landfills by 55 percent by the year 1995.

g) There are nine operating waste-to-energy facilities that are currently reducing the state's waste stream by about 3 million tons per year.

h) Waste reduction and recycling goals of 25-30 percent are achievable and are needed in order to provide a comprehensive and well balanced solid waste management program.

Other pertinent facts relative to the increasing solid waste crisis are:

a) The average cost for solid waste management in 1985 was $20.01 per ton representing a total statewide cost in excess of $250 million in 1985. The average cost of disposal in 1988 is expected to be $20 - $40 per ton at landfills and $60 - $70 per ton at waste-to-energy facilities.

b) Approximately one-third of the landfill space available in 1985 will be closed by 1996;

c) The average estimated cost for initial closure of a landfill is $64,200 per acre and the average cost for construction of a new landfill is $73,500;
d) The cost to counties for complying with more stringent landfill closure standards is expected to be $103 million;

e) In 1985, 18 Florida counties reported that they would be closing all their existing landfill acreage by 1996;

f) At the current rate of landfilling, 64,000 more acres of landfills will need to be sited by 1997; and

g) DER has listed 48 solid waste landfills in the state as suspected of being, or known as, sources of environmental contamination and public health threats. Nine of the 48 sites are on the federal Superfund list.

With these facts in mind, the Select Committee set out to learn more about the solid waste problems being experienced from individuals working in the industry, governmental representatives, and the public. The Select Committee also seized the opportunity to gather proposed solutions to the problems.

B. Activities of the Select Committee

At the time this report was written, the Select Committee had held seven meetings and two more meetings were
scheduled. The final two meetings would be held for the purpose of discussing proposed legislation.

On August 25 and 26, 1987, the Select Committee visited the 58th Street Landfill, the Dade County Resource Recovery Facility, the North Dade Landfill, the Medley Landfill, Reynolds Aluminum, and Durbin Paper Stock Company in Dade County. In Broward County, the Davie Landfill, Interim Landfill, and Central District Landfill were visited. Committee members met with officials from Dade and Broward Counties and representatives from Waste Management, Inc.

On September 24 and 25, 1987, the Select Committee visited the Hillsborough County Resource Recovery Facility, the Pinellas County Resource Recovery Facility, the City of Tampa Resource Recovery Facility, Gulf Coast Lead Company, Inc. (battery recycler) in Tampa, GSX Hazardous Waste Transfer Station in Pinellas Park, David Joseph Company (car shredding operation) in Tampa, the Goodwill Industries Recycling Theme Center in Lakeland, Owens-Illinois Glass Container Division in Lakeland, and a large tire depository. The Committee also met with officials from Pinellas County, Hillsborough County, the City of Tampa, the City of Clearwater, Waste Management, Inc., and Palm Harbor Senior Center.

On November 2, 1987, the Select Committee had a meeting in Tallahassee at which time Secretary Twachtmann from the Department of Environmental Regulation spoke about solid waste problems and potential solutions. Other speakers included Glenn Ray, Florida Association of Counties; Ed Culpepper, Alachua County; Commissioner Coward, Alachua County; James Luci, Anchor Glass Container Company; Edward Johanson, The Conservancy; Edmund Benson, Arise/Anti-Pollution Committee; Dick Hollahan, Professional Wrecker Operators; and Stanley Pinder, Custom Compactor Corporation.

The Select Committee meeting on December 7, 1987, covered the topic of cogeneration. Speakers at the meeting included Secretary Twachtmann of the Department of Environmental Regulation; Thom Henneberger, Florida Public Service Commission; Dale Walker, Governor's Energy Office; Joe Cresse, electric power companies; Richard Zambo, agricultural and industrial companies; and E. M. Loyless, W.R. Grace and Company.

On January 13, 1988, the Select Committee visited Brevard County's Central Disposal Facility, Container
Recovery Corporation, and East Coast Paper Stock, Inc. in Brevard County. Committee members also met with Brevard County solid waste management officials and a representative from Keep Brevard Beautiful.

The February 1, 1988, meeting was held to discuss the proposed solid waste legislation from the Department of Environmental Regulation. Secretary Twachtmann presented the concepts from the department's proposal. Also, Doug Shelby, Florida Petroleum Council, discussed the used oil problem and potential solutions; Marilyn Tipton from Keep America Beautiful spoke about their program; and Marcia Elder, League of Women Voters, spoke about a series of upcoming meetings in various Florida locations on container deposit legislation.

In addition to the formal committee meetings, the Committee Chairman held numerous workshops with industry and government officials for the purpose of obtaining their views and proposed solutions to the solid waste problems.
IV. FINDINGS

A. The Law

1. Federal

In 1976 the Resource Conservation and Recovery Act (RCRA), an amendment to the 1965 Solid Waste Disposal Act, was passed to address the problem of how to safely dispose of municipal and industrial solid waste generated nationwide. The goals set forth in this act are:

1) to protect human health and the environment,

2) to reduce waste and conserve energy and natural resources; and

3) to reduce or eliminate the generation of hazardous waste as expeditiously as possible.

Under the Act, three distinct programs were developed:

Subtitle D - encourages the States to develop comprehensive plans for the management of solid wastes, primarily non-hazardous, that would encourage environmentally sound disposal methods, maximize the use of recoverable resources, and foster resource conservation;
Subtitle C - establishes a system for controlling hazardous waste from the time it is generated until its ultimate disposal; and

Subtitle I - regulation of certain underground storage tanks.

In addition to RCRA, the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) addresses the problems of hazardous waste encountered at inactive or abandoned sites. In 1976, 1980, and 1984, RCRA was amended by Congress. The 1984 amendments, called the Hazardous and Solid Waste Amendments (HSWA) significantly expanded the scope and requirements of RCRA.

The purview of the Select Committee includes solid and hazardous waste and therefore Subtitle D and Subtitle C of RCRA are described herein.

Subtitle D, as it has evolved, establishes a voluntary program through which participating states receive Federal financial and technical support to develop and implement solid waste management plans. These plans are intended to promote solid waste recycling and require closing or upgrading of uncontrolled dumps, as well as other things. The U. S. Environmental Protection Agency (EPA) is responsible for administering RCRA and has been establishing
regulations for States to follow in developing and implementing their plans, in approving State plans which comply with such regulations, and in providing grant money for implementing the plans. EPA has also issued minimum technical standards that all solid waste disposal facilities must meet when disposing of solid wastes. The states are further required to develop a permit program to comply with RCRA. Subtitle C establishes a program to manage hazardous wastes from cradle to grave. The objective is to assure that hazardous waste is handled in a manner that protects human health and the environment. These Subtitle C regulations require permits for hazardous waste generation, transportation, treatment, storage, or disposal. In summary, Subtitle D is a voluntary grant program for states and Subtitle C is a mandatory regulatory program. The states may opt to adopt the federal programs outright or develop their own programs that are more stringent or broader in scope than the federal program. EPA has been continually working on regulations to implement the changing federal laws. Also ongoing is the delegation of the RCRA program to the individual states.

2. State

Part IV, Chapter 403, F.S., Resource Recovery and Management, embodies the state law which governs solid waste management in the state. This part authorizes the resource
recovery and management program, permits for solid waste activities, solid waste prohibitions, the sale of revenue bonds for resource recovery and management facilities, certification of resource recovery equipment for tax-exempt status, the prohibition of hazardous waste landfills, local hazardous waste management assessments, the small quantity generator notification program, guaranteed financial responsibility, the Hazardous Waste Management Trust Fund, Amnesty Days, the local hazardous waste collection program, management of hazardous materials by governmental agencies, used oil regulations, and a risk assessment relative to the accidental release of toxic or hazardous substances, among other things.

Over the past ten years, Part IV, Chapter 403, F.S., has been amended each year by the Legislature. These changes have been made to comply with corresponding federal changes and to meet the growing concerns expressed over the solid and hazardous waste problems. The department has indicated that some of the language in this part is obsolete and has proposed changes for a number of years to no avail.

In addition to the requirements of Chapter 403, F.S., in 1985 the State Comprehensive Plan was adopted by the Legislature and is codified in law as Chapter 187, F.S. One of the goals of this plan is "All solid waste, including hazardous waste, wastewater, and all hazardous materials,
shall be properly managed, and the use of landfills shall be eventually eliminated." The policies to reach this goal are as follows:

1. By 1995, reduce the volume of nonhazardous solid waste disposed of in landfills to 55 percent of the 1985 volume.

2. Encourage and expedite the development of environmentally safe hazardous waste treatment, storage, and disposal facilities.

3. Identify and clean up hazardous waste sites.

4. Enforce and strengthen regulation of the generation, storage, treatment, disposal, and transportation of hazardous wastes.

5. Establish a system for identifying the location, type, and quantity of hazardous materials.

6. Require all hazardous waste generators to properly manage their own wastes.

7. Encourage the research, development, and implementation of recycling, resource recovery, energy recovery, and other methods of using garbage, trash, sewage, slime, sludge, hazardous waste, and other waste.
8. Encourage coordination of intergovernmental and interstate waste management efforts.

9. Identify, develop, and encourage environmentally sound wastewater treatment and disposal methods.

10. Develop a permanent system for households, small business, and other low-volume generators of hazardous waste to safely dispose of these materials in a convenient manner.

11. Encourage strict enforcement of hazardous waste laws and swift prosecution of violators.

B. Rules

1. Federal

The EPA has developed several Chapters of regulations to implement Subtitle D and Subtitle C of RCRA.

Subtitle D regulations include the regulations for state plans (40 Code of Federal Regulations (CFR) Part 256) which were adopted to assist states in developing and implementing EPA approved solid waste management plans. These regulations outline the minimum requirements for state plans and detail how these plans are approved by EPA. In developing the plans, the states must go through a number of
steps which are detailed in 40 CFR Part 255. These steps include:

a) require the Governor to select an agency to develop the state plan; and

b) draft the plan.

The requirements in 40 CFR Part 256 include:

a) identifying the responsibilities of state, local, and regional authorities in implementing the plan;

b) describing a regulatory scheme that prohibits the establishment of new open dumps, provides for the closing or upgrading of all open dumps, and establishes any state regulatory powers required for implementation of the plan;

c) ensuring that no state or local government within the state be prohibited from:

1) establishing long term contracts for the supply of solid waste to resource recovery facilities or for the operation of such facilities,

2) securing long term markets for material and energy recovered from resource recovery facilities,
3) conserving materials or energy by reducing waste volume, and

4) detailing the combination of practices that are necessary to use or dispose of solid waste in an environmentally sound manner.

Once the plan is adopted by the state, it is submitted to EPA for approval. Without EPA approval, the state is ineligible for federal financial or technical assistance.

The Criteria for Classification of Solid Waste Disposal Facilities and Practices are contained in 40 CFR Part 257. These criteria are used as a) a set of minimum technical standards with which all federal and non-federal solid waste disposal facilities must comply, and b) means of determining if a solid waste disposal facility is an open dump. The criteria covers eight areas: flood plains, endangered species, surface water, groundwater, waste application limits for land used in the production of food chain crops, disease transmission, air, and safety. Under each of these areas, specific requirements are set pertaining to such things as adverse impacts.

ignitable, corrosive, reactive, or EP toxic (extraction procedure) by 40 CFR Part 261. Part 261 details which wastes are deemed hazardous. The regulations applicable to generators of hazardous waste are contained in 40 CFR Part 262. Regulations pertaining to transporters of hazardous waste are found in 40 CFR Part 263 and 49 CFR Parts 171-179. The regulations applicable to treatment, storage, or disposal facilities are 40 CFR Parts 264 and 265.

There are other regulations that relate to the regulations described herein and with which permittees must comply, but they are peripheral to this discussion.

2. State

The Department of Environmental Regulation has adopted Chapter 17-7, Resource Recovery and Management, Florida Administrative Code, which governs the administration of the solid waste program. Section 17-7.001, F.A.C., states that "The Department shall establish, maintain and promote a cooperative state program of planning and technical assistance for resource recovery and management; encourage and require designated counties and municipalities to plan for and provide efficient, environmentally acceptable resource recovery and management; review the design of and issue permits for construction and operation of resource recovery and management facilities;
promote the application of resource recovery systems which preserve and enhance the quality of air, water, and land resources; and establish a system for the examination and certification of resource recovery equipment." Resource recovery and management facilities are solid waste disposal areas, volume reduction plants, or other facilities the purpose of which is resource recovery or the disposal, recycling, processing, or storage of solid waste. DER is responsible for issuing permits for the operation, maintenance, construction, expansion, modification or closure of such facilities. DER is also charged with enforcing the state's laws and rules, including prohibitions against improper solid waste disposal.

Part I, Chapter 17-7, F.A.C., spells out criteria for construction and closure, financial responsibility, and long term care of sanitary landfills. Also described are requirements for volume reduction plants, transfer stations, and resource recovery facilities (facilities where useful materials are recovered from the input solid waste).

Part II, Chapter 17-7, F.A.C., describes the resource recovery and management program; designates program areas which are Alachua, Bay, Brevard, Broward, Dade, Duval, Escambia, Hillsborough, Lee, Leon, Manatee, Orange, Palm Beach, Pasco, Pinellas, Polk, Sarasota, Seminole, and Volusia Counties. This program required these specific
counties to do some detailed solid waste planning. Nondesignated counties only were required to comply with the Local Government Comprehensive Planning Act. The 19 designated counties were required to update their plans every three years, however, that did not occur. Those counties are, instead, planning to update their plans at the same time they submit their Local Government Comprehensive Plans to the state.

Part II, Chapter 17-7, F.A.C., sets out the criteria for determining tax exempt status of resource recovery equipment.

Part IV, Chapter 17-7, F.A.C., sets out the parameters for disposal of domestic sludge. Permit requirements, prohibitions, and circumstances for land application are described.

Part V, Chapter 17-7, F.A.C., addresses the collection, transportation, recycling, use, or disposal of used oil.

Chapter 17-30, F.A.C., addresses hazardous waste. This chapter describes the hazardous waste management trust fund, standards for generators and transporters of hazardous waste and owners and operators of hazardous waste facilities, and hazardous waste permitting procedures.
Chapter 17-31, F.A.C., addresses county and regional hazardous waste management programs.

Chapter 17-32, F.A.C, covers management of hazardous wastes by governmental agencies.

Chapter 17-33, F.A.C., deals with criteria for the siting of a multipurpose hazardous waste facility.

Chapter 17-34, F.A.C., addresses disposal of polychlorinated biphenyls.

Chapter 17-35, F.A.C., describes the hazardous waste collection center grant program.

C. Programs

1. National

The United States is the number one garbage producing nation in the world. Ninety-five percent of the solid waste generated is buried in landfills. Diminishing landfill space at existing sites, coupled with increased public opposition to proposed replacement sites, has contributed to the seriousness of the solid waste disposal crisis. In the next decade more than half of the country's major metropolitan cities will use up their landfills. The crisis proportion is illustrated by the following scenarios: The City of Portland, Oregon, has tried for ten years to
site a new landfill, but has been blocked by strong public opposition and Philadelphia, Pennsylvania, has no landfills and must send its garbage to other states. Resource recovery facilities are gaining popularity, but they are extremely expensive and also face public opposition. Recycling is gaining popularity as more communities realize that recycling can preserve dwindling landfill space, lower the cost of disposal, save energy and natural resources, and produce financial rewards. National programs implemented include EPA's grants, and technical assistance and regulatory programs for solid and hazardous waste. Another program which is national in scope, but implemented locally, is Keep America Beautiful; however, this is not a government program.

2. State

In 1974, the Florida Legislature passed the Resource Recovery and Management Act of 1974. The major purpose of the act was to "promote the application of resource recovery systems which preserve and enhance the quality of air, water, and land resources." Maximum resource recovery from solid waste and maximum recycling and reuse of such resources appeared to be goals of the state. This legislation directed the Department of Environmental Regulation to develop a statewide resource recovery and management program, including solid waste storage,
collection, transfer, disposal and recycling, by July 1976. Following adoption of the statewide program, all cities and counties were required by the Legislature to develop local solid waste management and/or resource recovery plans by July 1, 1978. The Act also established the Resource Recovery Council, a 13-member advisory group, to develop recommendations for the statewide program.

In 1976, the law was amended to require local solid waste planning only for those counties designated by the Resource Recovery Council as areas conducive to solid waste resource recovery. Ultimately only 19 counties were designated for resource recovery planning.

In 1977, the Resource Recovery Council published a report entitled *What's Happening in Resource Recovery in Florida?*. The report recommended that: $2 million should be appropriated to fund grants for the 19 counties and municipalities which were required to plan for resource recovery and $250,000 should be appropriated to fund the state sponsored pilot or demonstration program called for by the 1974 Act. These appropriations were never made. By July 1, 1981, in spite of the fact that no funding was available from the state, all 19 counties had submitted solid waste management and resource recovery plans, however, as stated earlier, no updates have been made to these plans.
These plans provide DER with valuable information without having to conduct surveys or requiring annual reports.

In 1981, DER prepared the Florida Solid Waste Management Plan, February 1981, with financial assistance from the U. S. Environmental Protection Agency. This report was written to serve as a guide for the state's solid waste management actions over a five year period, 1981-1985. The report also documented the actions taken by the state to address solid waste problems. These actions included a statewide survey of potential waste to energy markets; a marketing analysis of secondary raw materials in Florida; produced resource recovery school packages for use in secondary schools; produced a slide presentation for the public; prepared a report on alternative state financial support programs; and developed a resource recovery activity report which is updated semi-annually, among other things.

The priority needs in Florida as stated in the 1981 report were:

1) a state grant or loan program to support resource conservation and recovery planning activities and projects in local communities and in the private sector,

2) increased coordination of resource conservation and recovery issues and activities between various state
agencies that have or could have impacts on such issues and activities,

3) development of a waste exchange that would encourage the recycling and reuse of hazardous and nonhazardous industrial wastes,

4) state initiated feasibility studies on waste oil recycling and recovery and an industrial park energy recovery project,

5) provide increasing state leadership in resource conservation and recovery through continuous evaluation of state procurement policies as they relate to using recycled commodities and examination of incentives to increase resource conservation and recovery.

The 1981 report has not been updated because federal funding for updates was unavailable.

In 1980 DER began an inventory of open dumps in the state, funded by USEPA, to document all dumps which did not comply with the criteria for classification as a solid waste disposal facility. In May 1983, EPA published the Inventory of Open Dumps which listed 55 open dumps in Florida. In 1985, the waste oil recycling rules were implemented and literature was developed to inform the public on waste oil.
Registration was required of waste oil collection facilities, transporters, and recyclers. Each year, these registrants are required to report the source of their used oil, the amount they receive, the type, when it was received, and where it went. DER summarizes this data and submits the summary report to the Legislature each year.

In 1986, DER began requiring landfills to produce annual reports on the types of waste collected and the volume. These reports will be helpful in documenting the increase or decrease in reliance on landfills.

On the subject of infectious waste, both RCRA law and DER rules regulate the disposal of infectious waste, but EPA has never developed rules on this subject and the state's implementation has not been tested until recently. It is illegal to dispose of infectious waste at landfills; it must be rendered nonhazardous in order to dispose of it. Only lately with the concern of AIDS have local governments identified waste coming from medical facilities as a problem. The Department of Health and Rehabilitative Services has rules addressing this problem, but these rules are not as extensive as is needed. This is an area where improved regulation and enforcement is needed.

In the area of hazardous waste, the programs have also been evolving over the past ten years. In 1977, EPA noted
the inadequacy of Florida's hazardous waste program. In 1980 the Legislature passed a comprehensive state hazardous waste management act. The law provided for regulation of hazardous waste, set up a manifest system to track hazardous waste, created a trust fund for cleaning up hazardous waste spills and dumps, established a hazardous waste advisory council, provided a procedure for siting hazardous waste disposal facilities, and increased the fines and penalties against violators of the law. In 1983, after recognizing the shortcomings of the 1980 law, additional comprehensive solid waste legislation was passed which revised the siting process, set up a local government hazardous waste assessment program, established another trust fund for cleanup of hazardous waste sites, authorized a study of a state multipurpose hazardous waste facility, established Amnesty Days for purging communities of small volumes of hazardous wastes and prohibited hazardous waste landfills. In subsequent years additional fine tuning occurred and a grants program for establishing local hazardous waste collection centers was authorized. To date seven local hazardous waste collection centers are in the process of being sited and constructed.

Since 1980, DER has been continually revising and redirecting their solid and hazardous waste programs. These programs have entailed the hiring of numerous people and the
expenditure of millions of dollars. The number of employees needed to handle solid and hazardous waste has grown from 36 in 1980 to 168 in 1988.

The hazardous waste programs are developing as planned and seem to be addressing many of the problems, but are underfunded. At the same time, the solid waste problems are growing, have not been adequately addressed, and are underfunded. It appears that it is time to address solid waste again after having met the goals of the 1981 5-year plan and without having another 5-year plan to guide agency activities. (The agency did not produce a Solid Waste Management Plan in 1986, as there was no federal funding to do so.)

Section 163.3177(6)(c), F.S., part of the Local Government Comprehensive Planning Act passed in 1975, required local governments to develop an element of their comprehensive plans which would address sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge. This element was to indicate ways to provide for future solid waste requirements for the area. The element also was required to describe the problems and needs and the general facilities that would be required for solution of the problems and needs. Local governments complied with these requirements, but the state had only a review and comment role and therefore some plans
ultimately were not as thorough as other plans. The amount of detail in these plans would have a direct bearing on their usefulness as a planning tool.

In 1985, amendments to the Local Government Comprehensive Planning Act were passed by the Legislature. As a result of these amendments local governments were required to include a capital improvements element in their plans. This element was to outline the principles for construction, extension, or increase in capacity of public facilities as well as a component which outlined principles for correcting existing public facility deficiencies necessary to implement the comprehensive plan. The components were to cover at least a five year period, estimate public facility costs, detail when facilities would be needed, designate the general location of the facilities, project revenue sources to fund the facilities, and establish standards to ensure the availability of public facilities and the adequacy of those facilities including acceptable levels of service. The capital improvements element must be reviewed on an annual basis and modified as necessary.

The Department of Community Affairs (DCA) was required to adopt rules by February 15, 1986, which would set out minimum criteria for the review and determination of compliance of the local government comprehensive plan
elements, among other things. The 1985 law provided for participation in the compliance approval process by affected persons. It also provided that the state may withhold certain funds which would normally flow to the local governments in the event that the local government was found to be out of compliance with the planning requirements.

In May 1987, the Department of Community Affairs produced a model element for sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge. The purpose of this was to provide technical assistance to local governments preparing their plans. The DCA also adopted Chapter 9J-5, F.A.C., to guide the development of the plans.

In April 1988, the first of 457 local government comprehensive plans, in compliance with the 1985 law, is scheduled to be submitted to the Department of Community Affairs for review. Approximately 15 plans a month will be reviewed until they are all reviewed, which should be completed in June 1991. While these plans are expected to contain valuable information relative to solid waste planning, it is likely that in many cases where the solid waste problems are complex, local governments will need to institute additional steps at the local level to adequately plan for solid waste needs.
In implementation of the state comprehensive plan policies pertaining to solid waste, the state and local governments have done or are doing the following:

1) increasing the number of resource recovery facilities and closing many existing landfills;

2) establishing local hazardous waste collection centers (7 to date); designating a site for location of a multi-purpose hazardous waste facility; designated sites for hazardous waste storage in each county and region; orchestrated Amnesty Days; permitting hazardous waste disposal, transportation, treatment, generation, and storage;

3) identified and are cleaning up hazardous waste sites with funding from the Water Quality Assurance Trust Fund; and

4) implemented the local government hazardous waste assessment program to document hazardous waste sources and educate generators about their responsibilities.

3. Local

Local governments serve as the primary provider of solid waste services in Florida. Local governments are involved in collection, landfill disposal, resource recovery and energy production, and recycling. The combination of
management techniques is dependent on population, landfill space availability, public needs and perception, available private services, etc. The common denominators they all have are dwindling landfill space, dwindling land available on which to locate new landfills, population increases, increased cost for managing solid waste, and more stringent environmental regulations.

Numerous counties have performed studies on how to deal with solid waste. In 1987 the Governor's Energy Office awarded twenty contracts for a total of $1.2 million for local governments to perform resource recovery feasibility studies. The recipients of the contracts which range from six months to two years were:

<table>
<thead>
<tr>
<th>Recipient</th>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Brevard County</td>
<td>Recycling</td>
<td>$ 20,000</td>
</tr>
<tr>
<td>Citrus County</td>
<td>Resource Recovery Feasibility Study with Hernando County</td>
<td>$ 40,000</td>
</tr>
<tr>
<td>Clay County</td>
<td>Landfill Gas Feasibility Study</td>
<td>$ 20,000</td>
</tr>
<tr>
<td>Collier County</td>
<td>Mining of landfills</td>
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<tr>
<td>Department of Community Aff.</td>
<td>Resource recovery feasibility and design study for Monroe County</td>
<td>$599,000</td>
</tr>
<tr>
<td>Franklin County</td>
<td>Waste-to-energy Feasibility Study</td>
<td>$ 18,725</td>
</tr>
<tr>
<td>Jackson County</td>
<td>Resource Recovery Feasibility Study with four other counties</td>
<td>$ 76,000</td>
</tr>
<tr>
<td>Martin County</td>
<td>Waste-to-energy Feasibility Study</td>
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</tr>
<tr>
<td>City of Melbourne</td>
<td>Sludge Composting Market Study</td>
<td>$11,833</td>
</tr>
<tr>
<td>Location</td>
<td>Project Description</td>
<td>Cost</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>----------------------------------------------------------</td>
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</tr>
<tr>
<td>Orange County</td>
<td>Recycling Feasibility Study</td>
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</tr>
<tr>
<td>City of Plant City</td>
<td>Feasibility of composting solid waste</td>
<td>$20,000</td>
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<tr>
<td>City of St. Petersburg</td>
<td>Wood fuel from yard trash</td>
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<tr>
<td>Santa Rosa County</td>
<td>Resource Recovery Feasibility Study</td>
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</tr>
<tr>
<td>Sarasota County</td>
<td>Landfill Gas Feasibility Study</td>
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<tr>
<td>Seminole Tribe of Florida, Inc.</td>
<td>Refuse-derived Fuel Feasibility Study</td>
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<tr>
<td>City of Tampa</td>
<td>Revision of the solid waste element of the city's comprehensive plan</td>
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<tr>
<td>Ultrasystems Engineers &amp; Constructors, Inc.</td>
<td>Paper &amp; Food processing wastes Anaerobic Digestion of Pulp</td>
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<tr>
<td>University of Central Florida</td>
<td>Anaerobic digestion of dairy wastes</td>
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<tr>
<td>University of Florida</td>
<td>Natural gas co-firing of biomass and wastes</td>
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</tr>
<tr>
<td>Volusia County</td>
<td>Landfill gas feasibility study</td>
<td>$20,000</td>
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</table>

It appears that additional grants will be awarded in 1988.

The Walton/Okaloosa/Santa Rosa Regional Utility Authority embarked on a Regional Solid Waste Disposal Study on March 1, 1987, which will result in two separate plans to be completed on August 30, 1988. The Northwest Florida Water Management District is funding a portion of the study. The study was initiated due to concerns about: the rapid population growth in the area (33% from 1975 to 1985); limited areas suitable for proper waste treatment and
disposal; decreasing land availability and increasing land costs due to development, and; the increasing potential for groundwater contamination from solid waste.

Monroe County recently hired an engineering firm to study their waste disposal problem and determine what role recycling could play in reducing solid waste volume. Dade County has hired a full time recycling coordinator to encourage projects throughout the metro area. Dade County has been recycling paper from the Dade County office complex for several years. Projections are that the paper recycling effort could earn $50,000 a year for the county and save 7,500 trees. Taylor County has implemented a source separation program separating recyclables from trash, which is reducing the volume of waste going to the landfill by 63 percent. The Solid Waste Authority of Palm Beach County is currently analyzing the feasibility of an experimental curbside recycling program in West Palm Beach. In the City of Gainesville, 6,500 homes are participating in curbside recycling and plans are to take the program city wide within three years.

With the help of the Legislature in 1986, 13 North Florida Counties joined to draft the North Central Florida Comprehensive Regional Solid Waste Management Master Plan. These counties have diligently been working since 1986 to find solutions to the solid waste problems in the region.
For the most part, these counties are facing mandatory closure of existing landfills, very low tax base, low population density, and no funds to build new landfills, much less resource recovery units. Their preliminary findings are that:

a) a regional landfill system appears to be the best alternative;

b) county flow control authority needs to be strengthened;

c) the state should establish a financing mechanism to assist local governments in planning, developing, constructing, and operating solid waste management systems, giving priority to regional systems; and

d) there is a need for the creation of a state office of recycling for the purposes of providing technical assistance to local programs, enhancement of the recycling market and channeling funds whenever appropriate. There should be a grant program or a revolving loan program for this.

D. Current Issues

1. Landfills

Currently, there are approximately 170 active landfills in the state. When the state first became
involved in solid waste in 1974, there were approximately 508 authorized landfills, mostly open dumps by today's standards. Technology and regulatory mechanisms for disposal of residential and commercial wastes have been improving steadily, however the mistakes of the past are still with us evidenced by the fact that 56 landfills are on the Department's Sites List for known or suspected environmental contamination.

In December 1984, the Senate Natural Resources and Conservation Committee staff published a report entitled *A Review of Emerging Federal and State Landfill Closure Requirements*. This report found that there were 10,967 acres of landfill space at that time; by 1995, 4,591 acres would be closed; and the estimated cost to close those acres was $103,001,862. This illustrates that alternatives are needed to compensate for the closed landfill acreage and illustrates the major costs associated with closing landfill space.

2. Waste-to-Energy Facilities

Waste-to-energy plants burn solid waste to produce either steam or electricity. In 1986, there were 69 waste-to-energy plants in operation in the United States and another 61 in the planning or construction stages. Most of these plants are mass burn plants, fueled by unsegregated
solid waste that is dumped by crane onto a moving grate feeding the furnace. Others, called refuse-derived fuel plants (RDF), remove glass and metals and shred the remaining solid waste to produce either a confetti-like or pelletized fuel that can be burned in specially designed boilers or mixed in small proportions with coal. Some of the RDF plants isolate compostable organic wastes which lowers the moisture content and improves the quality of the fuel produced. It is estimated that in 1985 4.1 million metric tons or three percent of the solid waste generated in the United States were burned in waste-to-energy plants.

Significant controversy surrounds the use of waste-to-energy plants. The public and regulators are concerned about the acid gases and heavy metals released into the atmosphere from these plants and the residual ash which escapes into the atmosphere or collects in the plant and must be discarded. New plants are increasingly required to install devices to prevent such releases into the environment and such devices significantly add to the cost of construction and operation of the plants.

Florida has become one of the nation's leaders in waste-to-energy programs. There are currently 9 operating facilities processing 9,278 tons per day (TPD) of solid waste. Five facilities now permitted or being permitted will go on line by 1992, raising the processing capacity in
the state to 17,138 TPD. When the capacity of facilities in advanced planning are included, we can expect 18 waste-to-energy facilities to be in operation by 1995, processing about 22,000 TPD of solid waste. Estimates from various sources suggest that this would handle 35 - 47 percent of the projected waste stream and would more than achieve our state goal for reduction of landfilled waste.

3. Recycling and Volume Reduction

Recycling offers communities an opportunity to reduce their costs for disposal, to conserve natural resources and to reduce the amount of waste which must ultimately be disposed. For every ton of glass recycled, nine gallons of fuel is saved; the recycling of a ton of newspaper saves 17 trees, reduces the energy used per ton by up to three-quarters and requires less than half as much water; and turning used aluminum cans into new ones saves up to 95 percent in energy costs and reduces air pollution by 95 percent.

Although it would be ideal to separate out all garbage components and reuse them, this is not practical. Some components are easier to recycle than others and their value is higher than others. Paper rapidly loses its value when mixed with other refuse; glass and metals compete with uncontaminated raw materials in the market place; and
organic wastes are more attractive for composting if they are free of inorganics and toxic substances. The closer to the point of origin the waste can be recycled, the greater the value and the lower the recycling costs.

Refillable glass bottles are designed for about 30 round trips; aluminum, nonrefillable glass, and steel can be recycled almost indefinitely. Materials unsuitable for recycling back into the original product are those composed of many different materials and those that are severely degraded. However, many of these can be recycled for new uses.

Organic wastes represent a significant part of the waste stream. These wastes can be composted, along with paper, to produce a valuable soil amendment.

Statistics show that increased earnings are proportionate to increased garbage production. As this country becomes more affluent, more garbage is produced; as more people join the work force convenience items become more common; and as products become more competitive, excessive packaging which can make the difference in a sale, becomes more evident. Today, with most of the food produced far away from the major population centers, packaging is also important to keep products fresh and attractive. Nearly $1 of every $10 Americans spend for food and
beverages pays for packaging. In 1986, it is estimated that Americans spent more for food packaging than the nation's farmers received in net income. The packaging bill for the year was estimated at $28 billion. In industrial countries, packaging contributes about 30 percent of the weight and 50 percent of the volume of household waste. Paper constitutes approximately one-half of packaging materials, followed by glass, metals, and plastics. In the United States, more than one-half of the paper and glass produced, and about one-third of the plastics are incorporated in items with a lifespan of under one year. Producing these packaging materials consumes 3 percent of the national energy budget.

The economics of recycling depends on the costs of alternative disposal methods, the markets for the recovered products, and the expenses associated with operating the recycling program. In an area where saving landfill space or averting the need to add another waste-to-energy facility or construct a new landfill is a concern, recycling makes sense.

When considering recycling, one also must consider the potential for resale of those items which are retrieved from household garbage. Prices fluctuate drastically and are contingent on supply and demand. According to Phoenix Quarterly, Winter 1987-88, there was a dramatic rise in aluminum prices in 1987. At the start of 1987, cash prices
averaged 52.4 cents per pound and near the end of the year they were 81 cents per pound. U. S. consumption remained brisk with producers reportedly being sold out. There were strong exports off-shore, particularly to Japan. The prediction for 1988 is that the price will average about 70 cents per pound. Also reported was an exceptionally good year for waste paper prices. There was strong mill demand for all grades of paper. In 1986, 15 million tons of waste paper were consumed. There was a strong domestic and a strong foreign market for waste paper, with Asia being the strongest foreign market. In 1987, there was a surplus of brown grades of waste paper, but the market for old newspaper and higher grades of waste paper accelerated. The price for old newspaper ranged from $40 to $60 a ton. In 1988, it is predicted that higher capacity utilization rate by the nation's 600 pulp, paper, and paperboard mills, plus solid overseas demand for paperstock, will translate to another strong year for paper demand. This is the good news.

Getting consumers to participate in recycling and establishing markets for recovered materials are the keys to successful recycling programs. Several approaches have effectively increased recovery rates and sales opportunities. Consumers can be required to segregate their recyclables for pickup, or a central processing plant can be
utilized to sort the refuse. A returnable program is another solution that helps. The demand for recovered products can be increased by meeting resource needs of local and regional industries, exploring new uses for secondary materials, and offering economic incentives to waste processors and companies using recycled materials as product inputs. Purchasing policies which favor using recycled products will boost demand. With an increased demand, there must be a corresponding reliable supply or recyclables will not be used.

The guarded news is that the recycling industry has been operational for years and has reached an equilibrium; a major increase in the volume of recyclables available, without a corresponding increase in demand or market, would have a negative effect on the recycling effort. A glut on the market would depress prices to the point where it would cost money to recycle and the program efforts would fail. Therefore, recycling efforts must be matched with market development.
4. **Solid Waste Generation Rates and Disposal Costs**

In 1977, the Resource Recovery Council estimated that solid waste disposal costs ranged from $3 to $5 a ton in North Florida and from $4 to $16 a ton in Central and South Florida. The projected costs of solid waste disposal via landfills over the 20 year period from 1975 - 1995 was estimated at $1 billion. Estimates also suggested that using the solid waste disposal methods typical at that time (landfilling) approximately 64,000 acres of landfill area would be needed over the next 20 years.

In *A Review of Emerging Federal and State Landfill Closure Requirements*, December 1984, it was stated that per capita generation rates ranged from 2.16 pounds a day to 16.76 pounds a day. The per capita service costs ranged from 20 cents - $76 a year.

In a Department of Environmental Regulation Report to the Legislature on Solid Waste, Litter and Associated Costs in October 1985, the 1980 solid waste generation rates and disposal costs were described and projections were made. According to the report, the Florida Solid Waste Management Plan reported an average 1980 solid waste generation rate of 4.54 pounds per capita per day of residential and commercial solid waste. This translated into 22,124 tons per day or
8,075,311 tons per year of solid waste generated statewide during 1980.

At that time, results from a solid waste management survey underway indicated the per capita generation rate had increased to 6.12 pounds per person per day in 1985, an increase in annual rate of .31 pounds per person per day over a five year period. Applied to the 1985 state population of 11,261,970, an estimated 34,461 tons/per day or 12,578,491 tons/year of solid waste were generated in the state during 1985. This represented an increase of 4,503,108 tons/year or 55 percent over the 1980 solid waste generation estimate or an average of about 11 percent/year increase in solid waste generation over the five year period.

The cost, the department reported, had also increased. The 1980 study reported an average tipping fee of $4.30/ton. The facilities who submitted responses to the department's 1985 survey reported an average tipping fee of $7.05/ton, an increase of $2.75/ton over reported 1980 fees. This represented approximately a $.46/year or a 10 percent average annual increase in tipping fees. While the tipping fee or user fee indicated a direct cost to the user at a solid waste disposal facility, it was thought that the better indicator of true cost to the operating agency was the sum of the capital and operating costs associated with
solid waste disposal. The 1980 survey did not describe capital and operating costs for solid waste disposal so there was no comparison, but when the 1985 average tipping fees per ton were compared to the average actual capital and operating costs per ton of solid waste disposed, the difference was an average of $4.11/ton. This cost is generally not recovered from users by the operating agency but is funded from the general revenues of local governments.

This report projected that by 1990 if the population is approximately 12,528,450, the per capita generation of solid waste per day will be 7.67 pounds; the state solid waste generation rate will be 48,047 tons/day; the statewide solid waste generation will be 17,537,009 tons/year; the capital and operating cost/ton to dispose of solid waste will be $14.93; and the cost to dispose of the state's solid waste in that year will be $261,827,544. The report recommended an approach to the management of solid waste which included waste reduction, reuse, recycling, and incineration.

5. Cogeneration

A 1978 U.S. law requires electric utilities to purchase, at a fair price, electricity offered for sale by a private producer.
Florida is one of the nation's leaders in the development of resource recovery facilities which generate electricity from garbage. There are nine such facilities operating in the state, five facilities now being permitted, and, thirteen others being considered by local governments. Unfortunately, many of these projects could be rendered economically unfeasible due to low revenues from electric energy sale. Existing plants estimated revenue from the sale of electricity at higher levels than they are actually receiving and therefore the costs of operation for those plants must be subsidized from other sources.

The DER has expressed concern about the price received for sale of electricity generated from waste at local government waste-to-energy facilities. Reportedly in 1987, prices paid to local governments by the electric companies for electricity were as low as 1.5 cents per kilowatt, while it was being sold by the utility for 8 cents per kilowatt. The cities and counties need to be able to pay back the bonds issued to finance construction of their waste-to-energy plants and this will be a serious problem if the price they are receiving for the electricity they generate remains lower than the estimates they used to plan for facility pay-back. DER suggested paying local governments a percentage of the retail market rate for the electricity they generate. Generally, these waste-to-energy
facilities are the biggest public works projects that the local government will ever construct. The economics of such an endeavor need to be cost-effective and traditionally the sale of electricity at a reasonable rate is heavily relied upon for the bond sales. It was suggested that local governments be allowed to use the electricity they generate instead of selling what they generate and buying what they need. This would seem reasonable, however, electric utilities would still be required to have the capacity to serve these facilities should they need such service on a temporary or permanent basis.

In January 1988, a report entitled Fair Electrical Pricing Study for Florida Resource Recovery Facilities, published by HDR Techserv, Inc., was presented to the staff of this Senate Select Committee. This study was contracted by the City of Jacksonville, the City of Tampa, Broward County, Dade County, Orange County, the Palm Beach County Solid Waste Authority, Pasco County, and Pinellas County. These local governments contend that there is a compelling need for the Public Service Commission to:

a) establish fair and equitable rates for utility purchase of electricity from resource recovery facilities at the utility's average retail electric rate or a minimum floor price of six cents per kilowatt hour;
b) direct utilities to purchase electricity at these fair and equitable rates;

c) direct each utility to provide fair and equitable wheeling service to local governments who wish to use electricity produced by solid waste facilities in other local government facilities and to expedite approval of this service by federal authorities or the judiciary;

d) institute a standard in all PSC proceedings affecting solid waste facilities which continues to encourage generation of electricity from solid waste.

Their logic for these suggestions are based on the following:

a) It costs the utilities between 3 and 5 times as much to produce electricity in new plants than to purchase from resource recovery facilities under PSC approved payments.

b) Resource recovery facilities are paying more than twice as much to purchase electricity than they are paid to produce electricity.

c) The cost to utility customers will be minimal, ranging from a 0.1 percent to 1.6 percent yearly increase in retail rates over the next ten years.
d) This cost to utility customers is significantly less than the cost of the current conservation and oil backout programs approved by the PSC.

e) This cost to utility customers is significantly less than the cost of purchasing and transmitting power from outside the state or the cost of converting oil-fired power plants to burn coal.

In response to the Fair Electrical Pricing Study for Florida Resource Recovery Facilities, the Public Service Commission prepared a paper and letter which was submitted to the Select Committee members and staff on February 3, 1988. The Public Service Commission stated that "increasing the rates paid by electric utility customers in order to subsidize the disposal of solid waste is not within the purview of the Commission...rather this would be a legislative policy decision." The correspondence goes on to say that the specific objective of the "fully avoided cost" concept is to ensure that the cogenerator is fairly compensated while keeping the ratepayer unharmed. Neither federal nor Florida law guarantees that cogeneration must be a profitable business.

Another interest group in the cogeneration issue is the industrial cogenerators. These cogenerators generate electricity from industrial processes which produce waste
byproducts such as heat and bagasse. These industries include phosphate, sugarcane, and pulp and paper businesses. The problem that they have described is two-fold. First, they also contend that the price at which the electric utilities are buying their electricity is much too low (sometimes only 1.2 cents per kilowatt hour) when compared to the price at which they are buying electricity from the electric utility (as much as 5.5-5.75 cents per kilowatt hour for interruptable power which is a cheaper form of electricity). Secondly, these industries would like to use the power they generate at their other facilities. Unfortunately for them, the Public Service Commission has not allowed this. In summary, industrial cogenerators would like to receive more money for the electricity they generate, be able to utilize their own electricity, and pay less for standby electricity required to be available to them.

In response to DER, the local governments and the industrial cogenerators, the electric utility industry does not want to subsidize solid waste management with electric utility rates. It has been suggested by the electric utility industry that any price paid for cogenerated electricity which is in excess of fully avoided costs to the electric utility industry would in effect cause electric customers to subsidize solid waste management for garbage
customers. Further, the industry and the Public Service Commission does not agree with the logic described by the local governments in their January 1988 report which is republished herein. The electric utility industry feels that a more sensible approach to the problem would be to institute levelized loading provisions and long term contracts, so that price payments would be the same throughout the contract period rather than fluctuating. Constant prices and long term contracts could help local governments plan their financing strategy better. As for industrial cogenerators, the same arguments apply and additionally, if these industries do not want to pay higher costs for purchasing electricity which includes a price for standby power, then the industries could become self sufficient and remove themselves from the electrical utility network.

To summarize the problem, local governments want to use the electricity they produce to pay for a major portion of the cost of handling solid waste. Industrial cogenerators want to be paid a higher price for the electricity they generate and be able to use their own power, without disconnecting from the utility network. The utility companies say that increased price payments for cogenerated electricity could result in electric customers subsidizing solid waste management or private enterprises.
is an integrated network of collection, transportation, disposal and treatment of hazardous waste.

The state is at the point now where its time for several more steps on the road to be taken. More local or regional hazardous waste collection centers need to be constructed; a network for picking up hazardous waste from all small quantity generators needs to be in place; homeowners need to have their hazardous waste picked up or have a place provided to take it; the state multipurpose hazardous waste facility must be sited, designed, and constructed; and money needs to be appropriated for this massive public infrastructure facility. Although not all of these steps have to be taken this year, this is a good opportunity to embark on the next "5 year plan." (The first "5 year plan" was 1983-1988.)

7. Financing-Grants, Loans, Taxes, Fees

In the past, a variety of suggestions have been made for funding solid waste management costs. They include:

1) a revolving loan fund;

2) state pollution control bond program;

3) surcharge on tipping fees;
4) state grants;

5) local revenue bonds, industrial revenue bonds;

6) residential fees;

7) general revenue; and

8) a solid waste management trust fund.

For one reason or another, attempts to pursue and implement these suggestions have failed.

The state has a state bond loan program which was instituted in 1970 to provide long-term financing to local governments for the construction of air and water pollution control and solid waste disposal facilities. Funds for the loans are obtained through the sale of State of Florida Pollution Control Bonds. The total principal amount of state pollution control bonds issued may not exceed $300 million in any state fiscal year. This program has primarily been used for sewage treatment projects. The problems with use of this program by local governments for solid waste facilities include:

a) the lengthy processing period;

b) the offer of more technical assistance from private agencies for bonding companies; and
c) the trend toward resource-to-energy facilities which could limit eligibility under this program due to state and federal restrictions.

Historically, local governments have paid solid waste management costs using tipping fees, ad valorem taxes, special assessments, user fees, general fund, federal revenue sharing, state funds, and mosquito control funds. In many cases the fees collected for solid waste management services do not cover the costs and therefore must be subsidized from other income sources. These fees have remained unusually low in many cases - in some counties this service has never been paid by the users, but instead has been paid by property owners.

Recently more and more local governments have been faced with raising garbage collection and disposal rates, and instituting mandatory garbage pick up, and the controversy is heated in many counties. Unfortunately, this is one government service that has been subsidized for so long that the public is not aware of the true costs of this service, and therefore cannot understand the dramatic rise in costs. Many local governments feel it is still more acceptable to the public to subsidize solid waste management costs from other revenue sources.
8. Infectious Waste

Earlier in the report, we described the less than ideal regulatory situation relative to infectious waste. Some local governments are having more difficulty with this problem than others. Many hospitals have on-site incinerators to burn their infectious waste, but others contract with private companies to haul it away and incinerate it.

There are private companies in the infectious waste management business. MedX, a Miami-based company, services more than 160 of Florida's 277 hospitals and 600 of Florida's smaller infectious waste generators. According to Waste Age, January 1988, Waste Management, Inc. is entering the infectious waste treatment and disposal field as well and BFI Hospital Waste Systems serves 3,000 clients across the United States currently.

In July 1987, Sarasota County offered staff a legislative proposal to address infectious waste. It is that county's contention that the existing statutes and administrative codes relative to infectious waste are vague and considered unenforceable by the state attorneys office. The county's proposal provide standards for the storage and containment, decontamination, treatment, and transfer off-site of infectious waste. The proposal also provides
requirements for transporters, treatment and storage facilities, and shipping paper control. The violations and penalties for noncompliance are described, allowing for civil, administrative, and criminal sanctions.

It appears that in 1987, infectious wastes were brought into the public eye nationwide. Two incidents in the United States occurred which caused Congressmen from several states to introduce infectious waste legislation. Apparently, in one case children were found playing with vials of AIDS infected blood that came from an unlocked dumpster outside of doctors' offices. In another case, thirty miles of the New Jersey shoreline had to be closed by local officials after a 60-mile long slick of hypodermic needles, refuse, lumber, and infectious waste assaulted the beaches. It appears that incidences like these, red bags containing infectious waste appearing in landfills, and the fear of AIDS are necessitating the need for more stringent control of infectious waste handling, primarily from a public health standpoint. Legislation is pending in Congress at this time.

9. Industry Initiatives

Implicit in any tenable solution to Florida's ominous solid waste management crisis is active participation on the part of the private sector. That
government alone cannot shoulder the responsibility of ameliorating the problems in this area is undeniable. Vital to the success of a solid waste management plan is the presence of a collaborative effort on the part of both the government and the manufacturers whose byproducts are found in the solid waste stream.

Recently, there has been a good faith effort on the part of the industries involved to foster the development of a workable solution. This effort has been nationwide in scope, as the solid waste management crisis extends well beyond Florida. While the siting of additional landfills and the installation of resource recovery facilities have been regarded as necessary components of the resolution of this crisis, industries have focused on the recycling alternative.

Consistent with the need for active partnership with government in this area's policy formulation and implementation, the industries in question have each undertaken certain initiatives which foster manageability of its waste.

Staff has examined a few of these initiatives in the plastics, paper, aluminum, and glass industries. Examples have not only been cited from Florida, but from other states, as well. In addition, the use of tires as an
example of how to address the problem of waste tires has been noted.

a. Plastics

Plastic packaging has grown rapidly since the 1960's. Soft drinks, vegetable oils, cleaning products, toiletries, and food are all available in plastic containers. Plastic manufacturers are targeting the tin can for their next market. Therefore, not only is the quantity of packaging increasing, but more and more is plastic which is not easily reused or recycled. Additionally, more than 46 different types of plastics are in common use. A common ketchup bottle is made of six layers of plastic, each designed to do a different job, such as to give the bottle shape, strength, flexibility, or impermeability. Unfortunately, few recycling processes can handle more than one type of plastic. Those that can recycle several varieties simultaneously produce a lower grade plastic than the incoming waste products.

The result of the plastic process used to manufacture foam containers for fast foods, grocery store meats and egg containers presents other environmental problems. Approximately one-half of all foam packaging is inflated with chloro fluorocarbons. When these compounds escape to the upper atmosphere, the sun's rays break them
down, releasing atoms of chlorine. This chlorine may have
an adverse effect on the earth's protective ozone layer.

These factors have presented the plastics
industry with formidable obstacles in its attempt to
contribute to a solid waste reduction formula. While the
industry has forged ahead in the area of single-plastic
reclamation, the question of degradability is being
carefully examined. There have been substantive gains in
the former area, while the latter proposition is somewhat
more controversial.

The most common type of plastic being recycled
is PET (polyethylene terephthalate), which is used to make
most plastic soft drink bottles. This bottle was first
marketed in 1978, and recycling of the product began in
1979. According to Plastic Bottle Institute reports,
approximately eight million pounds of bottles made from PET
were recycled in the first year, with the number rising to
40 million pounds in 1982. The most recent estimates
indicate that 120-140 million pounds, or 20 percent of all
PET bottles, are now being recycled annually. Numerous
products can be made from recycled PET bottles, ranging from
fiberfill for pillows and ski jackets to textile materials
for belts and sails.
A second type of recyclable plastic bottle is that which is made from HDPE (high-density polyethylene). The primary product derived from HDPE is the plastic milk jug. While exact figures are not available, estimates of the percentage of HDPE currently being recycled are far below that of PET. Interestingly, the amount of HDPE in the solid waste stream is nearly four times that of PET. While the technology for recycling used HDPE is available, this vast resource has gone largely ignored.

Some plastic products are also produced from PP (polypropylene), PVC (polyvinyl chloride), PS (polystyrene), and several other materials. These materials constitute an even smaller portion of the plastics being recycled. Efforts have concentrated on plastics which are more easily identifiable and can be readily separated, thus the emphasis on soft drink and dairy bottles.

In Florida, only one purveyor of recycled plastics has emerged. Adlol Chemical Company of Tampa began dealing in recycled plastics in 1981. What began as a 200-240 ton annual exporting business has rapidly grown into a massive operation. Recent estimates place Adlol's shipment tonnage at about 5,000 tons annually.

Whereas primary emphasis in the plastics industry nationwide has been placed on soft drink bottles,
and to some extent dairy containers, Florida's lone significant plastics recycler conducts a much more multifaceted operation. In addition to PET and HDPE, Adlol processes acrylic, nylon, PE, PP, polycarbonate, polystyrene, PVC, and other materials. Availability is the key determinant as to which material is processed at a given time. Interestingly, while Adlol Chemical Company is the only significant recycler of plastics in Florida, much of its recycled plastics are exported both to other states and overseas.

Perhaps the largest step forward in the plastics industry to date has been the establishment of the Center for Plastics Recycling Research (initially the Plastics Recycling Institute) at Rutgers University in New Jersey. Created by the Plastics Recycling Foundation in 1985, the center serves the purposes of research and development. Funding for projects comes in the form of industry backing, university grants, and government subsidies. The ultimate objective of the center is to foster growth of the plastics recycling industry by improving the technology that is available to recyclers. All indications are that the center is in fact doing so, attempting to distribute its knowledge throughout the plastics industry.
b. Paper

There are over 5,000 types or grades of paper, and subsequently countless uses for it. Types of paper are generally classified into three main categories. The first is that which is used for writing paper and newsprint, sanitary tissue, and wrapping paper. The second consists of paperboard, which is found in certain containers. The final category includes the building board and paper that is used primarily in construction work. The most common and easily identifiable use is that of writing paper and newsprint, and, it is newsprint that has been the focal point of recycling efforts in the paper industry.

The overall recovery rate of paper has risen in recent years along with public consciousness towards recycling. Statistics cited by Worldwatch Paper 76, Mining Urban Wastes: The Potential for Recycling, however, indicate that recycling of paper has perhaps reached a plateau in many industrial nations, the United States included. In fact, the U. S., as of 1984, had a recovery rate of 27 percent, albeit not poor, but significantly lower than that of most nations with developed economies other than Great Britain. The recycling question in the U. S. is put in better perspective when considering the fact that while our recovery rates lag behind other industrial nations, we are
also the world's largest producer and consumer of paper products.

Certainly the potential and benefits of recycling within the paper industry to a greater extent is evident. Due to the fact that paper can be recycled over and over again, intensified recovery efforts would have a multiplicative effect on the reduction of the volume of solid waste. Air pollution, a notorious byproduct of paper mill operations, is reduced by up to 75 percent with the use of nonvirgin materials. As with recycling in other industries, energy consumption is reduced, as well.

The private sector has come to realize the increasing importance of recycling. The pulp and paper industries, integral components of our economy, are responding to the urgent need to participate in the development of a solid waste management formula. As contributors of approximately 37 percent nationwide of the volume in the solid waste stream, such participation is vital to the crisis resolution.

The world's largest recycler of waste paper, Jefferson Smurfit Corporation, has extensive operations in Florida. Based in Jacksonville, Jefferson Smurfit and its subsidiary, Container Corporation of America, also operate reclamation centers in Fernandina Beach, Ft. Myers,
Gainesville, Tampa, West Palm Beach, and Ft. Lauderdale. Currently, Jefferson Smurfit and CCA are the only major paper recyclers in the state, but with emphasis placed on market development, there is potential for these companies to expand and for others to enter this area of recycling.

c. Aluminum

Historically, the most conscious efforts to recycle solid waste products have been in the area of aluminum cans. Such efforts have not always been successful, but the public, as a result, has long been aware of the need to conserve through the vehicle of recycling. With the implications of diminishing resources and landfill space becoming more readily apparent, the recycling consciousness that began with aluminum has proliferated to other industries, as well. The lessening of attention being paid to aluminum recycling is only proportional, however, as overall support for a total recycling scheme has risen sharply as a result of our solid waste management crisis.

Aluminum has found many uses in America, which is the world's largest producer of the metal. While nearly half of all aluminum is used for food and drink containers and general packaging, it is also used in building materials, aircraft, engine components, automobile trim, machinery, and a host of other items. Efforts to recycle,
however, have been concentrated around cans as a matter of convenience, which is a crucial element of any recycling strategy.

Aside from the reduction in solid waste volume, a major benefit of re-using aluminum is the enormous savings realized in the consumption of energy. The use of recycled aluminum to produce a new product requires approximately 95 percent less energy than is the case with virgin material. In addition, emissions of the air-pollutant aluminum fluoride is significantly reduced.

d. **Glass**

While glass constitutes only some 9.2 percent of the net municipal solid waste in the United States, it is second only to aluminum in the rate of growth in actual recycling of a recyclable material. Such rapid growth in the glass recycling industry is attributable to the fact that glass is 100 percent recyclable. In addition, the value of recycling glass has become readily apparent in recent years as public consciousness of our mounting solid waste management crisis has increased dramatically.

While glass is 100 percent recyclable, there are some steps that must be taken prior to commencing the actual recycling process. First, the glass containers must be separated by color. Technology in this area is not
advanced enough yet to automatically separate bottles or jars by color--this must be done at the point of collection. Second, the processing plant must make serious efforts to remove potential contaminants, such as aluminum caps, steel lids, gravel, heat-resistant glass, or certain types of glass found in laboratories, all of which can cause serious equipment damage, degradation of the recycled product, or both.

The benefits of recycling glass are threefold, as it serves the purposes of conserving natural resources, lessening energy consumption, and reducing the volume of solid waste going into landfills. Furthermore, it is seen by many as an economically viable alternative in a solid waste management scheme.

e. Tires

Each year in the United States, 240 million automobile and truck tires are discarded and most of these scrap tires end up in ravines or stockpiles. The dangers posed by uncontrolled stockpiling of scrap tires include: a) a significant fire hazard, not so much for the fact that they are easily ignited, but for the fact that once set ablaze, they are almost impossible to extinguish; and b) an ideal breeding ground for mosquitoes, which carry encephalitis. It is impossible to bury tires in a landfill
because they keep working to the top and eventually are uncovered.

The main reason that tire disposal is such a problem is that industry has not developed any effective large-scale means of utilizing these materials. To date, it has been discovered that tires can be used as an economical source of fuel when used as an alternative to $60 a barrel oil. However, when oil costs only $20 a barrel, as is the case now, burning tires to produce oil is not economically feasible.

The Minnesota State Legislature passed legislation in July of 1984, known as the "Waste Tire Act", which regulates the disposal of scrap tires, prohibits placing them in landfills, provides for the abatement of existing nuisance tire piles and establishes a tire disposal fund for financing construction costs of tire recycling facilities. In March, 1986, Minnesota, acting through the Waste Management Board, in conjunction with St. Louis County, employed the method of Contract Controlled Privatization to set up the financing for a scrap tire disposal facility in Babbitt, Minnesota. Proceeds from the tire disposal fund were used to fund the construction costs of the St. Louis County Waste Tire Recycling Facility (TIRECYCLE Facility). The TIRECYCLE Facility is leased to its operator, Rubber Research Elastomerics, Inc., which uses
its patented TIRECYCLE technology to recycle the scrap tires into usable rubber and plastic compounds. At full capacity, the TIRECYCLE facility has the capacity to recycle Minnesota's estimated annual production of three million scrap passenger and truck tires.

Other states are also taking action to address scrap tire disposal. Counties in Wisconsin and Iowa are taking action to prohibit further landfilling of tires and abate existing piles. Connecticut and New Hampshire have guidelines that prohibit tire piles that exceed a 100 x 100 foot area. Connecticut also requires a 50 foot fire lane between piles and restricts their height to 20 feet. New York does not allow piles higher than 10 feet, and Washington has proposed that individual piles cannot be greater than one-half acre in size with fire lanes proportionate to the height. At least ten states have developed or are developing specific guidelines to regulate the disposal of tires.

10. Government Initiatives

As the solid waste management crisis fast approaches the bounds of our nation's ability to formulate viable solutions, the need for innovative initiatives at the federal, state, and local levels of government is becoming increasingly important. Many of our states, counties, and
cities are being forced to deal with this issue due to a mounting sense of urgency. In Florida, the enormous pressures resulting from the recent influx of growth has catapulted our state into the category of those where the exigency of the solid waste management crisis demands some type of government response.

While more overall attention has been paid to the issue in some other states, certain Florida cities and counties have attempted to alleviate their own growing concerns in the solid waste arena. The City of Gainesville, for instance, last year conducted a six-month pilot curbside recycling program involving 750 homes. The rate of participation, which was over 60 percent, greatly exceeded expectations. As a result, city officials recently decided to expand the program to 6,500 homes, and hopes are that the effort will become citywide by the early 1990's.

The harsh reality of having to deal with the solid waste issue is most evident in Monroe County, where the existing landfills are expected to be closed by 1991. In an attempt to ascertain the viability of recycling as a major alternative in the county's solid waste volume reduction formula, an engineering firm was recently contracted to study the issue.
Perhaps the most innovative initiative of a rural area in Florida is that which has taken place in Taylor County. A private firm, American National Recycling, Inc., was contracted by the county to implement a source separation program. The company claims a recovery rate of nearly 63 percent of the materials received at the site. The success of this particular program has stimulated interest in other North Florida counties. A similar facility in Putnam County should be operational by late February, and American National Recycling is negotiating with St. Johns, Clay, Alachua, Columbia, Nassau, and Lake Counties to implement a source separation program, as well.

State efforts at recycling here in Florida have been scant. Pursuant to s. 403.714, Florida Statutes, the Department of General Services is directed to establish a paper recycling program within the state agencies. The department, however, abandoned all such coordinated efforts as of June 30, 1987, leaving the decision of whether or not to operate such a recycling program to the individual agencies. The major reasons cited for abandoning such efforts were general apathy, the contamination of designated bins, and the inability to accurately predict the amount of recyclable materials that would be available for contractors.
The most comprehensive legislation on solid waste management in Florida to date has been the Florida Resource Recovery and Management Act of 1974, which deals with solid and hazardous wastes. Written years prior to projections of waste management crises such as now being experienced, sections of this law have perhaps outlived their utility. It is this lack of a more contemporary governmental directive that underscores the need for updated legislative action.

Other states facing similar crises have proposed legislation that grapples with the solid waste issue. California, for example, passed a comprehensive bottle bill in 1986. In a somewhat nontraditional posture, the California legislation incorporates a litter element. Also being specifically addressed in the California Assembly are plastics anti-pollution measures.

In Oregon, which has been a forerunner in the solid waste arena, a Senate proposal would require any distributor of plastic products to procure a license from that state's Department of Environmental Quality. A proposed bill in the Oregon House of Representatives would impose a tax on the sale of disposable diapers.

The State of Washington has proposed a ban on all plastic bags at retail grocery stores. While this may be
viewed as merely an attempt to bolster that state's wood industry, the results of such a measure, if adopted, could have far reaching effects on other states, such as Florida.

There are some states that have earmarked a substantial amount of funds for solid waste management programs. Loans, grants, and other subsidies for local governments have been initiated in states such as Connecticut, Maine, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Washington, and Wisconsin. Of these states, New Jersey stands out as having expanded its targeted support to private industry, as well. Other states such as California, Illinois, Michigan, Missouri, Nebraska, and Rhode Island have or have had programs which included assistance to both public and private entities since their inception.

The range and scope of these programs undertaken by other states vary significantly. For instance, since 1981, Ohio has devoted funds for grants of $5,000 or less for recycling promotion and grants of up to $6,000 for collection drives. These funds are available to local governments, state agencies, and universities. An example of a much more ambitious initiative at the state level would be the $185 million bond issued in 1985 in New Jersey, the proceeds of which are to be used to provide low or no
interest loans to local governments that wish to construct resource recovery facilities.

Other enormous bond issues were passed in the states of New York and Washington. The New York initiative, which dates back to 1972, was designed to primarily fund waste-to-energy projects for local and regional governments. The State of Washington issued a $97 million general obligation bond in 1980 for the primary purpose of construction of solid waste management facilities by local governments. These funds, however, were depleted by 1986.

The State of Michigan recently has been a benefactor of fairly generous legislative appropriations earmarked for solid waste management. In 1985, the first year of Michigan's current solid waste campaign, $9.91 million was appropriated for feasibility studies for recycling, refuse-to-energy, composting, and other resource recovery projects. Of particular significance, however, is the emphasis Michigan has placed on market development and public education. Initially, a $100,000 cap was placed on market development programs. That was raised to $500,000 shortly thereafter, however, as the importance of markets in the formulation of a solid waste management strategy became increasingly evident.
In recent significant legislative actions, two northern states with serious solid waste management problems have launched mammoth efforts to combat their crises. One of these, Massachusetts, has enacted a $260 million appropriation for solid waste management, which has been by far the largest in the United States to date. The other, New York, is reviewing an even more ambitious proposal in its Legislature that calls for the appropriation of approximately $3 billion over ten years. However, Mario Cuomo, the Governor of New York, has proposed an initiative that would spend $1 billion over that same time period. His argument is, that while it is imperative that a substantial amount of funds be devoted to New York's mounting solid waste crisis, more analysis needs to take place and a more cost-effective strategy formulated before embarking on such an ambitious initiative. Included in the Governor's plan is the targeting of some $300 million in unclaimed refunds from bottle deposits which currently are under the control of the bottling industry.

California is an example of politics impeding progress in this sensitive issue area. In their grant and loan program, which lasted from 1978-1982, California's Waste Management Board annually established different funding priorities. Amid claims of unfair decisions
favorable to certain private recyclers, the program was discontinued in 1983.

Fortunately for Florida, there are other states from which to analyze various approaches to solid waste management crises. Unfortunately, none of these states have an overwhelmingly successful strategy thus far. Mere emulation of one approach, therefore, will probably not suffice. Florida has the opportunity to be a forerunner in this area, by incorporating positive elements of other approaches and adding innovative initiatives that address our unique needs and concerns. By successfully grappling with the solid waste issue in one of the most explosive growth areas, the State of Florida has the chance to lead the entire nation in the solid waste management agenda. More importantly, however, is the need to embark on ambitious initiatives as expeditiously as possible. Otherwise, the quality of life to which Floridians have become accustomed may be seriously jeopardized.
V. Conclusions and Recommendations

It is apparent that solid waste management is an urgent problem not only in Florida, but nationwide. Most of the initiatives to solve the problems are relatively recent. Rather than choosing a single model from another state and mimicking a successful solid waste program, Florida will have to embark on an uncharted course in many respects without the benefit of documented results and successful projections.

The recommendations herein are general in nature and represent concepts on which to develop proposed legislation.

Staff recommends that:

1) A comprehensive solid waste bill be developed that will address landfills, waste-to-energy facilities, recycling, planning, market development, revenue sources, grant or loan programs, industry and government partnerships and participation; and education;

2) Goals be set for achieving identifiable volume reduction for waste being sent to landfills;

3) State agencies and employees be required to participate in recycling programs for paper and aluminum cans in the workplace;
4) The Department of Environmental Regulation be required to:
   a) increase enforcement on illegal solid and hazardous waste management and disposal;
   b) develop public education programs for adults and children relative to recycling;
   c) award research grants for pilot programs and new technology;
   d) provide technical assistance to local governments to facilitate proper solid waste management;
   e) promote the development of new markets for recycled products within the private and public sectors;
   f) continue planning for the state multipurpose hazardous waste facility and an integrated collection service program.

5) Local governments be required to:
   a) plan for solid waste management and funding for the next 25 years;
   b) establish the mechanisms needed to pay for proper waste management;
c) implement local or regional solid waste recycling and hazardous waste collection programs;

6) A Solid Waste Management Trust Fund be established to fund DER program activities, aide to local governments, research, market development, education, etc;

7) A local government grants program be established for: detailed solid waste management planning, closure of landfill facilities, public education programs, and planning, construction, and operation of recycling facilities and programs;

8) The sale or use of certain items be banned such as separable pop tops, plastic six-pack connectors, and excessive packaging;

9) A more predictable landfill siting process be instituted where final authority is vested in the Governor and Cabinet;

10) Sources of funds be identified to commit for the continuous funding of the Solid Waste Management Trust Fund which are partially based on items which are causing the most serious or voluminous management problems.
VI. Bibliography


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