

1989

Session Law 89-285

Florida Senate & House of Representatives

Follow this and additional works at: <https://ir.law.fsu.edu/staff-analysis>



Part of the Legislation Commons

Recommended Citation

House of Representatives, Florida Senate &, "Session Law 89-285" (1989). *Staff Analysis*. 1078.
<https://ir.law.fsu.edu/staff-analysis/1078>

This Article is brought to you for free and open access by the Florida Legislative Documents at Scholarship Repository. It has been accepted for inclusion in Staff Analysis by an authorized administrator of Scholarship Repository. For more information, please contact efarrell@law.fsu.edu.

B
I
L
L

H
I
S
T
O
R
Y

- S 689 GENERAL BILL/CS/2ND ENG by Natural Resources and Conservation; Kirkpatrick (Compare H 705)**
Hazardous Waste Facilities: authorizes local government to use revenue derived from tax on privately owned commercial hazardous waste facilities to pay costs incurred by local government as result of operation of facilities under certain circumstances; deletes certain requirements re siting of hazardous waste facility; designates such facility in Union Co.; creates "Statewide Multipurpose Hazardous Waste Facility Siting Act", etc. Amends Ch. 403. Effective Date: 07/05/89.
- 03/28/89 SENATE Prefiled
04/07/89 SENATE Introduced, referred to Natural Resources and Conservation; Finance, Taxation and Claims -SJ 104
04/14/89 SENATE Extension of time granted Committee Natural Resources and Conservation
04/21/89 SENATE On Committee agenda—Natural Resources and Conservation, 04/25/89, 1:00 pm, Room-2C-(301)—Temporarily postponed
04/28/89 SENATE Extension of time granted Committee Natural Resources and Conservation
05/05/89 SENATE On Committee agenda—Natural Resources and Conservation, 05/09/89, 1:15 pm, Room-2C-(301)—Temporarily postponed
05/12/89 SENATE Extension of time granted Committee Natural Resources and Conservation
05/15/89 SENATE On Committee agenda—Natural Resources and Conservation, 05/17/89, 1:00 pm, Room-2C-(301)
05/17/89 SENATE Comm. Report: CS by Natural Resources and Conservation -SJ 403
05/19/89 SENATE CS read first time -SJ 408; Now in Finance, Taxation and Claims -SJ 403
05/24/89 SENATE Withdrawn from Finance, Taxation and Claims -SJ 448; Placed on Calendar
06/01/89 SENATE Placed on Special Order Calendar -SJ 686; Was taken up -SJ 725; CS passed as amended; YEAS 36 NAYS 2 -SJ 729
06/01/89 HOUSE In Messages
06/02/89 HOUSE Received, placed on Calendar -HJ 1463; Read second time
06/03/89 HOUSE Amendments adopted; Read third time; CS passed as amended; YEAS 105 NAYS 6 -HJ 1463
06/03/89 SENATE In Messages; Concurred; CS passed as amended; YEAS 33 NAYS 1 -SJ 1370
06/03/89 Ordered engrossed, then enrolled -SJ 1370
06/20/89 Signed by Officers and presented to Governor
07/05/89 Approved by Governor; Chapter No. 89-285

NOTES: Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

REVISED: _____

BILL NO. CS/SB 689

DATE: May 17, 1989Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Branning <i>LB</i>	Voiqt <i>W</i>	1. NRC	Fav./CS
2. _____	_____	2. FTC	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Hazardous Waste Facilities

BILL NO. AND SPONSOR:

CS/SB 689 by NRC and
Senator KirkpatrickI. SUMMARY:

A. Present Situation:

In 1983, ch. 83-310, L.O.F., created s. 203.10, F.S., which provided for the imposition of a 3 percent tax on the annual gross receipts of a privately owned, permitted, commercial hazardous waste transfer, storage, treatment or disposal facility. This tax is payable annually on or before July 1, by the owner of the facility to the primary host local government. In 1988, ch. 88-393, L.O.F., moved these provisions from ch. 203, F.S., relating to gross receipts taxes, to part IV, ch. 403, F.S., relating to resource recovery and management (s. 403.7215, F.S., 1988 Supp.).

Section 403.7215, F.S., 1988 Supp., provides that the proceeds received from this gross receipts tax must be used by the local government to pay for:

- (1) The costs of collecting the tax;
- (2) Certain local inspection costs;
- (3) Additional security costs incurred as a result of operating the hazardous waste facility, including monitoring, fire, and police protection;
- (4) Hazardous waste contingency planning implementation; and
- (5) Road construction or repair costs for public roads adjacent to and within 1,000 feet of the facility.

To date, there are five hazardous waste facilities which are subject to the 3 percent gross receipts tax levied pursuant to s. 403.7215, F.S., 1988 Supp. Only two local governments have verified that they are receiving this gross receipts tax--Broward County and the City of Pinellas Park.

Section 403.7225(9), F.S., requires the Department of Environmental Regulation to submit certain information to the Legislature regarding the storage, treatment, or disposal of hazardous waste. Section 403.7226(2), F.S., requires the Department of Environmental Regulation to identify short-term and long-term needs for hazardous waste facilities and services for the state on the basis of certain information gathered through the county and regional hazardous waste assessments and other information from state and federal regulatory agencies and sources. Annually, the department must submit this information to the Governor and Cabinet.

Chapter 83-310, L.O.F., further required the Department of Environmental Regulation to develop criteria for the siting of a multipurpose hazardous waste facility in the state. Also,

the department was required to develop a list of potential state hazardous waste facility sites, and, pursuant to the provisions of ch. 120, F.S., designate a site for a multipurpose hazardous waste facility. Preference was to be given to publicly-owned land which meets the criteria as established by the department.

The department has designated a multipurpose hazardous waste site in Union County, Florida. The criteria by which that site was selected has been challenged and an administrative appeal has been filed pursuant to ch. 120, F.S.

B. Effect of Proposed Changes:

This bill amends s. 403.7215, F.S., 1988 Supp., to allow local governments to use the proceeds derived from the gross receipts tax on certain hazardous waste facilities on any other cost incurred by the local government as a result of the operation of the facility, if all other allowed costs have been paid.

Also, this bill amends s. 403.7226(2), F.S., to allow the department to combine the hazardous waste reporting requirements pursuant to s. 403.7225(9), F.S., and s. 403.7226(2), F.S. The combined report will now be submitted annually to the Governor and the Legislature.

Section 37 of ch. 83-310, F.S., is amended to delete the requirement that the Department of Environmental Regulation develop criteria for the siting of a multipurpose hazardous waste facility. Also, the requirement that the department designate a multipurpose hazardous waste facility is deleted. Instead, the bill designates state-owned lands located in Union County, Florida as the site for a multipurpose hazardous waste facility. The Board of Trustees of the Internal Improvement Trust Fund must enter into a lease with the contractor that has been selected and issued a permit by the department. The site designation and the lease of this site is not subject to review pursuant to ch. 120, F.S. However, the issuance of any permit by the department is subject to such review.

The site designation and contractor selection procedures would not preclude the siting and permitting pursuant to s. 403.722, F.S., of a multipurpose hazardous waste facility elsewhere in the state in lieu of or in addition to a multipurpose hazardous waste facility to be constructed and operated pursuant to this bill.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Since the Legislature will designate the site for a multipurpose hazardous waste facility in Union County under this bill, the appeal that is currently pending under ch. 120, F.S., will become moot.

B. Government:

Local governments have been reluctant to accept hazardous waste transfer, storage, treatment, or disposal facilities within their jurisdictions. This bill provides an economic incentive to local governments to accept such facilities by expanding the allowable uses for the proceeds received from the 3 percent gross receipts tax.

The Department of Environmental Regulation will save money and time by not having to participate in the administrative hearing process regarding the site selection and the criteria for such selection for a multipurpose hazardous waste facility.

III. COMMENTS:

Florida is in danger of losing as much as \$20 million a year in federal money from the federal Superfund Program. The state has until October, 1989 to demonstrate to the Environmental Protection Agency that the state has the capacity to dispose of its hazardous wastes. If such a demonstration can't be made, Florida will lose its eligibility to receive funds from the Superfund Program that are used for the cleanup of the state's worst hazardous waste sites.

Heretofore, Florida has been dependent on privately operated hazardous waste facilities in South Carolina and Alabama. In March, 1989, the Governor of South Carolina, by Executive Order banned utilization of hazardous waste facilities in that state by any state that did not have its own hazardous waste landfills. In May, 1989, the Alabama Legislature passed a similar measure which would adversely affect Florida.

The provisions in this bill to legislatively designate a site for a hazardous waste facility will expedite Florida's ability to comply with EPA requirements and to provide an alternative to the hazardous waste disposal crisis created for Florida by Alabama and South Carolina.

IV. AMENDMENTS:

None.