

1989

Session Law 89-324

Florida Senate & House of Representatives

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House of Representatives, Florida Senate &, "Session Law 89-324" (1989). *Staff Analysis*. 1117.
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H 990 GENERAL BILL/CS/1ST ENG by Environmental Regulation; Drage and others (Compare CS/H 371, CS/CS/H 637, CS/H 686, CS/H 896, 1ST ENG/H 1095, CS/H 1478, H 1671, S 195, CS/2ND ENG/S 484, 1ST ENG/S 521, CS/1ST ENG/S 799, S 853, S 954, S 1387)

Environmental Regulation; revises provisions re issuance of certain dredge & fill permits by district centers; requires certain applicants for wastewater treatment facilities to evaluate costs & benefits of reuse of reclaimed water; provides for local reuse programs; provides for additional standards for nontransient noncommunity water systems; subjects new tires to fee which come with new motor vehicles, etc. Amends Chs. 252, 253, 381, 403. Effective Date: 07/05/89.

03/17/89 HOUSE Prefiled

03/23/89 HOUSE Referred to Environmental Regulation; Finance & Taxation; Appropriations

04/04/89 HOUSE Introduced, referred to Environmental Regulation; Finance & Taxation; Appropriations -HJ 95

04/13/89 HOUSE On subcommittee agenda—Environmental Regulation, 04/17/89, 1:30 pm, 212-HOB

04/17/89 HOUSE Subcommittee Recommendation: Favorable; On Committee agenda, pending subcommittee action—Environmental Regulation, 04/18/89, 3:45 pm, 21-HOB

04/18/89 HOUSE Preliminary Committee Action by Environmental Regulation: Favorable as a CS

05/02/89 HOUSE Comm. Report: CS by Environmental Regulation -HJ 339; CS read first time -HJ 335; Now in Finance & Taxation -HJ 339

05/03/89 HOUSE On Committee agenda—Finance & Taxation, 05/05/89, 8:30 am, 413-C—For ratification to subcommittee

05/09/89 HOUSE Withdrawn from Finance & Taxation -HJ 432; Now in Appropriations

05/11/89 HOUSE Withdrawn from Appropriations -HJ 465; Placed on Calendar

05/26/89 HOUSE Placed on Consent Calendar; Retained on Regular Calendar

05/30/89 HOUSE Placed on Special Order Calendar

06/02/89 HOUSE Read second time -HJ 1335; Amendments adopted; Read third time; CS passed as amended; YEAS 106 NAYS 1 -HJ 1339

06/02/89 SENATE In Messages; Received -SJ 867; CS passed; YEAS 38 NAYS 0 -SJ 1276

06/02/89 Ordered enrolled

06/20/89 Signed by Officers and presented to Governor

07/05/89 Approved by Governor; Chapter No. 89-324; See also: CS/SB 484 (Ch. 89-279)

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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.

20-354

STORAGE NAME: CSHB990f.er
DATE: June 21, 1989

**HOUSE OF REPRESENTATIVES
COMMITTEE ON ENVIRONMENTAL REGULATION
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 990

RELATING TO: Environmental Regulation

SPONSOR(S): Environmental Regulation Committee & Rep. Drage

EFFECTIVE DATE: July 1, 1989, or upon becoming law, whichever is later

DATE BECAME LAW:

CHAPTER #: 89-, Laws of Florida

COMPANION BILL(S):

- OTHER COMMITTEES OF REFERENCE:**
- (1) Finance and Taxation
 - (2) Appropriations

I. SUMMARY:

A. PRESENT SITUATION:

Originally introduced as a "glitch" bill to solve perceived problems in the 1988 Solid Waste Act, HB 990 was significantly amended in committee and on the House floor. By the time it passed the House and the Senate, the bill contained none of its original provisions, nor anything related to solid waste, other than the waste tire fee portion. CS/HB 990 became a vehicle for several other environmentally-oriented bills which will be explained in the section-by-section analysis.

B. EFFECT OF PROPOSED CHANGES:

This act affects several sections of the law relating to environmental regulation. The changes adopted under this act and the sections affected are as follows:

- o Section 403.813 -- Expansion of the current permit exemption for the maintenance of existing stormwater pipes to include the repair or replacement of existing pipes or culverts which are used to discharge or convey stormwater. In order to take advantage of the exemption, the invert elevation, diameter, and length of the culvert may not be changed.
- o Section 403.064 -- Identification of the encouragement and promotion of water conservation and the reuse of reclaimed water as state objectives. Cost-benefit analyses of reuse alternatives are to be included with applications for domestic wastewater treatment facility permits in critical

water supply problem areas. Local governments and other utility providers are encouraged to develop reuse facilities. Water management districts are required to provide local governments with information to assist them in developing local comprehensive plans. Compliance with local reuse programs is required as a condition for obtaining a development order. The Public Service Commission is directed to authorize wastewater facility operators who implement reuse projects to recover costs through their rate structures.

- Sections 403.161 and 403.0877 -- Authorization for the Department of Environmental Regulation or the governing board of a water management district to require certification by professionals of applications submitted to the department or district. Specific items to be ensured by certification are enumerated in the law.
- Sections 381.112 and 381.272 -- Existing law allows no construction permits to be issued for onsite sewage disposal systems (OSDS) in industrial or manufacturing zones where a possible use of the system might be to dispose of toxic or hazardous chemicals. This act requires owners or tenants of buildings located in such areas served by an OSDS to obtain written approval from the Department of Health and Rehabilitative Services (DHRS) in order to obtain occupational licenses. Annual operating permits are also required to allow DHRS to review the nature of the use of the OSDS and to determine the likelihood that the system may receive toxic, hazardous, or industrial waste. The DHRS is also allowed to permit OSDS's in industrial or manufacturing zones under certain circumstances. The DHRS is required to periodically review and evaluate the continued use of OSDS's in industrial or manufacturing areas.
- Section 403.718 -- Requirement that the waste tire fee assessed on the purchase of new tires must be stated as a separate item on the invoice, and that new tires sold as component parts of motor vehicles are also subject to the fee.
- Sections 403.812, 403.813, 403.816, and 403.914 -- Updates the criteria used to determine where dredge and fill permits are issued. Also included is a requirement for a Department of Environmental Regulation report on dredge and fill delegation and an extension to five years of the period during which a declaratory statement of the dredge and fill jurisdiction of the department is binding.
- Sections 403.852 and 403.853 -- Provides a definition for "nontransient noncommunity water system", provides additional standards for such systems, eliminates testing for contaminants for community water supply systems, requires certain county health departments to approve or disapprove the construction or modification of a public water system.

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- Section 252.90 -- Describes the duties of the State Hazardous Materials Emergency Response Commission.
- Section 253.01 -- Authorization for the Trustees of the Internal Improvements Trust Fund to spend revenue received from leases of state lands in the Everglades Agricultural Area for cleanup and protection of Lake Okeechobee and the Everglades.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Expands the current permit exemption for the maintenance of existing stormwater pipes to include the repair or replacement of existing pipes or culverts which are used to discharge or convey stormwater. (See CS/HB 371)

Section 2. Requires the Department of Environmental Regulation to submit to the Governor, Speaker of the House of Representatives, and President of the Senate a report containing recommendations regarding delegation of dredge and fill responsibilities. (See HB 1478)

Section 3. Revises criteria used to determine where dredge and fill permits are issued, in the Department of Environmental Regulation's Tallahassee offices or in their district offices. (See HB 1478)

Section 4. Corrects cross references.

Section 5. Extends to five years the period during which a declaratory statement of the dredge and fill jurisdiction of the Department of Environmental Regulation is binding. (See HB 1478)

Section 6. Corrects cross references.

Section 7. Identifies the encouragement and promotion of water conservation and the reuse of reclaimed water as state objectives; provides guidelines and criteria for use of reuse of reclaimed water. (See CS/HB 637)

Section 8. Clarifies an existing provision relating to violations.

Section 9. Allows Department of Environmental Regulation (DER) or water management districts to require certification by professionals of applications and plans submitted to DER or the water management districts. (See SB 799)

Section 10. Provides definition of "nontransient noncommunity water system." (See CS/SB 799)

Section 11. Provides additional standards for nontransient noncommunity water systems. (See CS/SB 799)

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Section 12. Requires Department of Health and Rehabilitative Services approval or disapproval of construction or modification plans for public water systems. (See CS/SB 799)

Section 13. Provides an administrative fine for violations relating to construction, installation, or operation of onsite sewage disposal systems or septic tank contracting. (See CS/HB 896)

Section 14. Prohibits construction permits for onsite sewage disposal systems (OSDS) in certain areas; provides conditions for issuance of certain occupational licenses; provides for evaluation for continued use of systems; provides for enforcement actions if toxic, hazardous or industrial wastes are found. (See CS/HB 896)

Section 15. Provides duties for State Hazardous Materials Emergency Response Commission.

Section 16. Allows Trustees of Internal Improvement Trust Fund to spend certain revenues on cleanup and protection of Lake Okeechobee.

Section 17. Requires waste tire fee assessment to be stated as separate item on invoices for purchase of new tires; provides that new tires sold as component parts of motor vehicles are subject to fee assessment. (See HB 1129 - Though HB 1129 was the original bill relating to waste tire fees, the provisions relating to waste tires included in CS/HB 990 differ from those in HB 1129.)

Section 18. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

For fiscal information, see staff summaries of the bills referred to in the Section by Section Analysis.

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:
2. Recurring or Annualized Continuation Effects:
3. Long Run Effects Other Than Normal Growth:

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4. Appropriations Consequences:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

2. Recurring or Annualized Continuation Effects:

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:

See staff summaries of bills referred to in Section by Section Analysis. The provisions relating to waste tires are different than those in HB 1129, the original waste tire legislation. The House Finance and Taxation Committee should be contacted for fiscal impact information relating to the waste tire provisions.

III. LONG RANGE CONSEQUENCES:

See staff summaries of individual bills referred to in Section by Section Analysis.

IV. COMMENTS:

V. AMENDMENTS:

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VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Susan Reese
Susan Reese

Staff Director:

Richard H. Wilhelm
Richard H. Wilhelm

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director: