

STORAGE NAME: s1788z.ep  
DATE: May 22, 2000

**\*\*AS PASSED BY THE LEGISLATURE\*\***  
**CHAPTER # 2000-211, Laws of Florida**

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
ENVIRONMENTAL PROTECTION  
FINAL ANALYSIS**

**BILL #:** SB 1788  
**RELATING TO:** Florida Statutes/ Repeals  
**SPONSOR(S):** Senator McKay  
**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) RULES AND CALENDAR YEAS 15 NAYS 0
  - (2) ENVIRONMENTAL PROTECTION YEAS 11 NAYS 0
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

SB 1788 repeals statutory sections that have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded.

This bill does not appear to have a fiscal impact on state or local governments.

SB 1788 takes effect July 1, 2000.

*(On March 22, 2000, HB 4029 passed the House by a vote of 115 YEAS 0 NAYS. On April 26, 2000, its senate companion, SB 1788, passed the Senate by a vote of 36 YEAS 0 NAYS. On May 4, 2000, SB 1788 passed the House as amended by a vote of 111 YEAS 0 NAYS. On May 5, 2000, the senate concurred and passed SB 1788 by a vote of 38 YEAS 0 NAYS and HB 4029 died in the Senate Committee on Natural Resources on the same day.)*

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

It was requested that the committees review a number of sections of the Florida Statutes to determine which of those sections have become obsolete, have had their effect, have served their purpose, or have been impliedly or expressly repealed or superseded.

C. EFFECT OF PROPOSED CHANGES:

See "Section-by-Section Analysis".

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 161.163, F.S.

Section 161.163, F.S., states that the Department of Environmental Protection is to adopt by rule a designation of coastal areas which are used by sea turtles for nesting by July 1, 1988. Also, the department is to adopt guidelines for local governments to regulate beach front lighting. This statute is necessary to protect sea turtle nesting and the text is retained, however, the date has served its purpose and is deleted.

Section 2: Amends s. 161.56, F.S.

Section 161.56, F.S., requires the state land planning agency to submit evidence that it has adopted a building code to the Administration Commission within 90 days after January 1, 1987. This statutory section establishes local enforcement and therefore, would be retained. However, the date reference is obsolete and is deleted.

Section 3: Amends s. 212.08(13), F.S.

Section 212.08(13), F.S., relates to tax exemptions for sales, rental, use, consumption, distributions and storage tax. This bill updates a statutory reference to s. 258.14, F.S.

Section 4: Repeals s. 376.185, F.S.

Section 376.185, F.S., provides that the department is to submit their budget requests to the Legislature, and upon appropriation thereof by the Legislature, the funds are to be

authorized for expenditure and approved by the department. This is the current process even without this statute in place, and therefore, this language is unnecessary.

Section 5: Amends s. 376.11(4)(a), F.S.

Section 376.11(4)(a), F.S., states that moneys in the fund are to be disbursed for administrative, personnel and equipment costs. This bill removes an obsolete cite reference.

Section 6: Repeals s. 376.303(1)(e), F.S.

Section 376.303(1)(e), F.S., establishes a technical advisory committee. However, this committee is obsolete since legislation regarding above ground tanks and hazardous substance tanks now exists. Therefore, this statute is repealed.

Section 7: Amends s. 376.30714(12), F.S.

Section 376.30714(12), F.S. relates to site rehabilitation agreements. This bill updates a statutory reference to s. 376.303, F.S.

Section 8: Amends subsection (12)(k) of s. 376.3071, F.S.

Section 376.3071(12)(k), F.S., relates to the department promulgating rules in relation to reimbursement for cleanup expenses under the Inland Protection Trust Fund. The Administration Commission has promulgated the model rules referred to in this provision. Therefore, this section is amended to remove this obsolete requirement.

Section 9: Repeals s. 377.02, F.S.

Section 377.02, F.S., sets forth the form of the interstate compact which is to be used had Florida chosen to be a party. Florida is a nonparty to the interstate compact and therefore, this form is obsolete and this statute is repealed.

Section 10: Amends s. 378.208, F.S.

Section 378.208(2)(a), F.S., corrects a subsection cross reference.

Section 11: Amends s. 403.085(2) and (4), F.S.

Section 403.085(2), F.S., states that certain sanitary sewage treatment plants are to provide for secondary waste treatment and advanced waste treatment by January 3, 1974. The dates are obsolete, however, this provision addresses minimum levels of treatment for existing systems. Therefore, the date references are deleted but the standards retained.

Section 403.085(4), F.S., states that certain plants which discharge industrial waste are to provide for secondary waste treatment by January 3, 1974. This statutory section is outdated and therefore, obsolete. The dates are obsolete, however, this provision addresses minimum levels of treatment for existing systems. Therefore, the date references are deleted but the standards retained.

Section 12: Amends s. 403.086, F.S.

Section 403.086(2), F.S., states that any facility for sanitary sewage disposal in existence on July 1, 1971, shall provide for secondary waste treatment by January 1, 1973 and provides for a penalty for noncompliance. The dates are obsolete, however, this provision addresses minimum levels of treatment for existing systems. Therefore, the date references are deleted but the standards retained.

Section 13: Amends s. 403.0872, F.S.

Section 403.0872(11)(c), F.S., calls for an audit of the major stationary source air operation permit program two years after the EPA has approved the program, or by the end of 1996, whichever comes later. This date is obsolete and therefore repealed.

Section 14: Repeals s. 403.08851, F.S.

Section 403.08851, F.S., provides for implementation of this act upon approval by the EPA of the National Pollutant Discharge Elimination System program of the state. Provides that no state permit be issued prior to July 1, 1994. This statutory section is now obsolete and therefore is repealed.

Section 15: Repeals s. 403.1826(6)(b), F.S.

Section 403.1826(6)(b), F.S., provides that the department may waive an accumulation requirement for a grantee of certain pollution and water sewage treatment grants where that grantee is in a county as defined in s. 125.011(1), F.S., and certifies to the department that an equivalent amount of money will be used. This subsection expires by its own terms on July 1, 2000 and therefore will become obsolete when this bill takes effect.

Section 16: Repeals s. 403.221, F.S.

Section 403.221, F.S., provides that no pending legal proceedings are to be abated because of any transfers made in this section. This section dates back to at least 1967 and the pending legal proceedings intended under this statute are now moot or barred. This statutory section is therefore outdated and obsolete and therefore, is repealed.

Section 17: Amends s. 403.7046(1), F.S.

Section 403.7046(1), F.S., states that after January 1, 1994, any person who handles recovered materials is to make an annual certification to the department. This is the existing requirement. Therefore, the date served its purpose and is removed from this subsection.

Section 18: Amends s. 403.703(10), F.S.

Section 403.703(10), F.S., sets forth the definition of "solid waste management facility". The cross-reference is updated.

Section 19: Amends s. 403.7049, F.S.

Section 403.7049(1), F.S., provides that within 1 year of October 1, 1988 or within 1 year after the rules are established by the department, each county is to determine the full cost of solid waste management within their service area for a one year period beginning October 1, 1988. The full cost is to be updated annually. In addition, rulemaking is to be initiated to develop a method for local governments to use in calculating the full costs and

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at least one public hearing is to be held by March 1, 1989. Although this is still the existing standard, the dates have become obsolete and therefore, are deleted.

Section 403.7049(2)(a), F.S., states that within 1 year from October 1, 1988, each municipality is to establish a system to inform the users of solid waste management services of the full cost for solid waste management. Although this is still the existing standard, the dates have become obsolete and therefore, are deleted.

Section 20: Amends s. 403.706, F.S.,

Section 403.706(4)(a), F.S., provides that goals for municipal solid waste are to be met by the end of 1994. This date is obsolete and therefore is removed.

Section 403.706(18), F.S., states that on or after July 1, 1989 each operator of a solid waste management facility, owned or operated by or on behalf of a county or municipality, shall weigh all of the solid waste when it is received. (This will not apply to any facility which will not be in use 1 year after October 1, 1988.) Although this is still the existing standard, the dates have become obsolete and therefore, are deleted.

Section 21: Amends s. 403.707, F.S.

Section 403.707(1), F.S., states that effective October 1, 1989, any permit conditions needed to achieve compliance with the recycling requirements of this act may be included in solid waste construction permits issued under this section. Although this is still the existing standard, the dates have become obsolete and therefore, are deleted.

Section 22: Amends s. 403.708, F.S.

Section 403.708(2), F.S., states that no beverage is to be sold in a beverage container that is opened by detaching a metal ring or tab after January 1, 1989. Although this is still the existing standard, the dates have become obsolete and therefore, are deleted.

Section 403.708(9), F.S., states that no person is to distribute or sell a product packaged in a container or packing material that is made with fully halogenated chlorofluorocarbons or CFC on or after October 1, 1990. Although this is still the existing standard, the dates have become obsolete and therefore, are deleted.

Section 23: Amends s. 403.716, F.S.

Section 403.716(3), F.S., provides that after July 1, 1991, a person may not perform the duties of an operator of a landfill and after July 1, 1994, a person may not perform the duties of an operator of a waste-to-energy facility and other certain facilities without first completing an approved operator training course. This is the current requirement. These dates have served their purpose, therefore, they are removed from this statutory subsection.

Section 24: Amends s. 403.7186, F.S.

Section 403.7186(2), F.S., states that after July 1, 1994, the Secretary may, by rule, designate certain sections of the state as those sections in which a person may not place certain mercury-containing devices in a mixed solid waste stream. In addition, after January 1, 1996, a mercury-containing device shall not be knowingly disposed of in a

landfill. These are the current requirements and these dates have served their purpose and are now obsolete and therefore removed.

Section 403.7186(3), F.S., provides that after July 1, 1994, mercury-containing lamps are not to be incinerated. Section 403.7186(4)(a) and (b), F.S., provide that after July 1, 1994, disposal of more than 10 spent lamps per month is to be arranged at permitted landfills and the department may, by rule, designate regions of the state where such disposal shall be arranged at appropriate remitted reclamation facilities. These are the current requirements and these dates have served their purpose and are now obsolete and therefore removed.

Section 25: Amends s. 403.7191, F.S.

Section 403.7191(3), F.S., provides that after July 1, 1996, a manufacturer or distributor may not sell a package or packaging component with a total concentration of lead, cadmium, mercury, and hexavalent chromium that exceeds 100 parts per million by weight. This date has served its purpose and is no longer necessary and therefore is deleted.

Section 26: Amends in part and repeals in part, s. 403.7192, F.S.

Section 403.7192(2)(a), F.S., states that after July 1, 1993, a person is not to sell an alkaline-manganese or zinc-carbon battery that contains more than .025 percent mercury by weight. Furthermore, after January 1, 1996, a person may not sell such a battery that contains intentionally introduced mercury and more than .0004 percent mercury by weight. These are the current standards and these dates have served their purpose and are no longer needed, therefore, are deleted.

Section 403.7192(2)(c), F.S., provides that after October 1, 1993 a person is not to sell a product or dry cell battery containing a mercuric oxide electrode. This date has also served its purpose and therefore, is deleted.

Section 403.7192(3)(a), F.S., states that a person may not place certain dry cell batteries in a mixed solid waste stream after January 1, 1994. This date has served its purpose and is deleted.

Section 403.7192(3)(b), F.S., states that after 18 months of the effective date of this provision, a person may not mix a rechargeable battery into the solid waste stream. The date reference is deleted since it has served its purpose.

Section 403.7192(4), F.S., provides that on or after October 1, 1993, certain persons shall not sell products that are powered by rechargeable batteries unless certain criteria are met. This date has served its purpose and therefore is deleted.

Section 403.7192(5)(a), F.S., states that the Secretary may exempt a sale from this section if the product was available for sale on or before May 12, 1993 and the product cannot be redesigned and manufactured by January 1, 1994. These date references are obsolete and are deleted.

Section 403.7192(6), F.S., provides that manufacturers and distributors must meet certain requirements 6 months after the report required in subsection 7(b) is due to the department and by October 1, 1993. These dates have served their purposed and are no longer applicable, therefore, they are deleted.

Section 403.7192(7)(a), F.S., provides for the implementation of pilot projects for the collection and transportation of batteries and products within twelve months after the effective date of this subsection. These pilot projects have been completed and therefore this subsection is obsolete and is repealed.

Section 403.7192(7)(b), F.S., provides that within twenty-five months after the effective date of this subsection, the final results of the pilot projects shall be reported to the department. This portion of the section is obsolete and is amended to read that on or before October 7, 1997 and annually thereafter, for a period of three years, cell manufacturers and marketers are to report to the department their plan to implement subsection (6) herein. The representative organizations of manufacturers are to supply the department with a list of those persons for who the association is conducting the unit management program.

Section 403.7192(8), F.S., provides for the effective dates of the subsections within this statutory section. This subsection is no longer needed and therefore, it is repealed.

The remaining sections are renumbered accordingly.

Section 27: Repeals s. 403.7199, F.S.

This council no longer convenes and appointments are no longer made. This statutory section is obsolete and therefore repealed.

Section 28: Repeals s. 403.724(5), F.S.

Section 403.724(5), F.S., states that all hazardous waste facilities in operation on October 1, 1980 are to establish financial responsibility within one year after the effective date of the rules, or have the requirement waived. The date reference is obsolete and therefore is repealed.

Section 29: Amends s. 403.7265, F.S.

Section 403.7265(2), F.S., states that by March 1, 1991, the department is to develop a statewide local hazardous waste management plan which will ensure collection and management of hazardous waste from small generators and household generators. This subsection also sets forth the contents of the plan. The date is obsolete and therefore is repealed.

Section 30: Amends s. 403.767, F.S.

Section 403.767(1), F.S., states that after January 1, 1990, any person who transports more than 500 gallons annually of used oil over public highways must be certified. This date is obsolete and therefore is deleted.

Section 31: Amends s. 403.769, F.S.

Section 403.769(2), F.S., provides that by January 1, 1990 the department is to develop a permitting system for used oil processing facilities after certain considerations. This date is obsolete, and therefore is deleted.

Section 32: Repeals chapter 533, F.S.

This act addresses deposits for mine wastes, the escape of mine waste into streams and rivers, injunctions for mining operations as well as attorney's fees and penalties for violating this act. The contents of this act are covered in other statutes. This act is obsolete and no longer in use, and therefore is repealed.

Section 33: This section provides for an effective date of July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

none

2. Expenditures:

none

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

none

2. Expenditures:

none

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

none

D. FISCAL COMMENTS:

none

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

none

B. RULE-MAKING AUTHORITY:

none

C. OTHER COMMENTS:

none

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On May 4, 2000, an amendment was adopted on the floor of the House which removed provisions that repealed the following sections related to designation and management of certain lands within the state: 258.09, 258.10, 258.11, 258.12, 258.14, and 258.15. The senate concurred with this amendment on May 5, 2000 and passed the bill.

VII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

Christine Hoke, J.D.

Staff Director:

Wayne S. Kiger

**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON ENVIRONMENTAL PROTECTION:**

Prepared by:

Christine Hoke, J.D.

Staff Director:

Wayne Kiger