

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Environmental Preservation Committee

BILL: SB 786

SPONSOR: Senator Clary

SUBJECT: Fees imposed on tire and battery sales

DATE: February 14, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Kiger</u>	<u>EP</u>	Favorable
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	<u>GA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill exempts any governmental entity from the \$1 per tire fee imposed on the retail sale of new motor vehicle tires and the \$1.50 fee imposed on the retail sale of any new or remanufactured lead-acid battery.

This bill substantially amends the following sections of the Florida Statutes: 403.718 and 403.7185.

II. Present Situation:

The Solid Waste Management Trust Fund was created in 1988 with the passage of the Solid Waste Management Act. That 1988 law, among other things, provided for a waste tire management program and imposed a waste tire fee. Initially, the fee was \$0.50 per tire for the period January 1, 1989 to December 31, 1989, and increased to \$1 per tire beginning January 1, 1990. The fee is currently \$1 per tire for each new tire sold at retail.

The waste tire management program addressed a problem that existed nationwide and posed a serious environmental threat to Florida. In 1990, it was estimated that at least 20 million old tires were known to be stored in massive piles in Florida. The largest of such piles was in the Green Swamp, an environmentally sensitive area in northern Polk County. There were estimated to be 7 million tires in this site alone.¹ Tires provide stagnant water containers that provide excellent breeding grounds for mosquitoes and the diseases they carry.

¹ Senate Staff Analysis and Economic Impact Statement, CS/SB 2528, May 24, 1990.

Over the years, the waste tire fees have supported programs to abate the huge tire piles in the state and provide grants to promote recycling, including waste tires. The Solid Waste Management Trust Fund currently is funded primarily by the waste tire fees. Other revenue sources include business registration fees, recycling or collector registration fees, and interest earnings on the investment of idle cash. The fee is imposed on each new motor vehicle tire sold at retail and is to be stated separately on the invoice to the purchaser. A motor vehicle tire sold at retail includes such tires when sold as a component part of a motor vehicle. The terms “sold at retail” and “retail sales” do not include the sale of new motor vehicle tires to a person solely for the purpose of resale provided the subsequent retail sale in this state is subject to the fee. (s. 403.718, F.S.) The statute does not provide for any other exemptions from the fee, e.g. sales to governmental entities. The DEP estimates that approximately 271,308 tires are replaced annually by local and state governments for their vehicles.²

The Water Quality Assurance Trust Fund was established in 1983 to provide a source of funding to clean up hazardous and toxic waste sites, to provide for emergency response operations for hazardous or toxic waste contamination, and to rehabilitate contaminated drinking water systems. The trust fund is funded by an excise tax on pollutants, lead-acid battery fees, dry cleaning gross receipt taxes, documentary stamp taxes, annual dry cleaner facility registration fees, and operator certification licenses.³

Section 403.7185, F.S., imposes a fee of \$1.50 for each new or remanufactured lead-acid battery sold at retail in this state. However, the fee is not imposed on any battery which has previously been taxed pursuant to s. 206.9935(2), F.S. The terms “sold at retail” and “retail sales” do not include the sale of lead-acid batteries to a person solely for the purpose of resale; however, a subsequent retail sale of a new or remanufactured battery in Florida is subject to the fee one time. The statute does not provide for any other exemptions from the fee, e.g. sales to governmental entities. The DEP estimates that 50,870 batteries from governmental vehicles are subject to the fee.⁴ Historically, the revenues from the battery fee have accounted for approximately 29 percent of the total revenues to the Water Quality Assurance Trust Fund.⁵

Retailers are required to take back spent batteries as trade-ins. Also, some scrap dealers buy back spent lead-acid batteries at solid waste/household hazardous waste facilities. The recycling rate for vehicular lead-acid batteries is estimated by the battery industry to be almost 93 percent nationally. There are no specific estimates for Florida, but the rates are believed to be consistent with the national average.⁶

² Estimate derived from a total of 203,481 governmental vehicles (cars, buses, trucks, boat trailers) multiplied by 4 tires per vehicle with a 3-year service life. Not included are aircraft tires which are not subject to the fee, and military vehicles.

³ s. 376.307, F.S., and DEP Trust Fund Status and Activity Reports, June, 2004.

⁴ Estimate derived from a total of 203,481 governmental vehicles (cars, buses, trucks, boat trailers), 1 battery per vehicle with a 4-year service life.

⁵ Senate Staff Analysis and Economic Impact Statement for SB 1434, March 9, 1999.

⁶ Solid Waste Management in Florida 2001-2002, Department of Environmental Protection.

III. Effect of Proposed Changes:

This bill amends ss. 403.718 and 403.7185, F.S., to exempt any governmental entity from paying the \$1 per tire waste tire fee that is imposed on each new tire sold in this state and the \$1.50 lead-acid battery fee on any new or remanufactured lead-acid battery sold in this state.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

This bill exempts any governmental entity from the waste tire fee and the fee imposed on new or remanufactured lead-acid batteries.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Governmental entities would be exempt from paying the \$1 per tire fee on the retail sale of each new motor vehicle tire sold in Florida. Also, governmental entities would be exempt from the \$1.50 fee on the retail sale of new or remanufactured batteries sold in Florida.

The Revenue Estimating Conference on February 14, 2005, estimated, based on fee collections, that the total trust fund impact would be \$400,000 annually -- \$300,000 to the Solid Waste Management Trust Fund and \$100,000 to the Water Quality Assurance Trust Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

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