

CHAPTER 2000-304

Committee Substitute for House Bill No. 1425

An act relating to governmental operations; providing requirements for local governments providing solid waste collection services in competition with private companies; providing remedies for such private companies; providing procedures and requirements; providing for award of damages, costs, and attorney fees; providing application; providing limitations for local government solid waste collection services outside the jurisdiction of the local government; providing remedies for certain injured parties; providing requirements and procedures; prohibiting local governments from displacing private waste collection companies under certain circumstances; providing requirements; providing procedures and requirements for such displacement; providing definitions; amending s. 171.062, F.S.; providing for continuation of certain solid waste services in certain annexed areas; providing an exception; amending s. 165.061, F.S.; providing for certain merger plans to honor certain solid waste contracts; providing limitations; amending s. 403.087, F.S.; clarifying application of certain permit fees; amending s. 403.7046, F.S.; providing a limitation relating to the local government registration fee for recovered materials dealers; revising local government authority with respect to certain contracts between recovered materials dealers and local commercial establishments that generate source-separated materials; amending s. 403.706, F.S.; authorizing counties and municipalities to grant certain solid waste fee waivers under certain circumstances; amending s. 403.722, F.S.; clarifying requirements for obtaining certain hazardous waste facility permits; creating s. 171.093, F.S.; providing for the assumption of an independent special district's service responsibilities in an area that is within the district's boundaries and that is annexed by a municipality; providing that the municipality may elect to assume such responsibilities; providing for an interlocal agreement regarding the transfer of such responsibilities; providing for the provision of services and payment therefor during a specified period if the municipality and district are unable to enter into an interlocal agreement; specifying effect of a municipality's election not to assume such responsibilities; providing for contraction of the district's boundaries if the municipality elects to assume such responsibilities; providing for levy of ad valorem taxes and assessments, user charges, and impact fees; providing exceptions; amending 190.004, F.S., to modify the preemption relating to Community Development Districts; repealing s. 403.7165(5), F.S., relating to the Applications Demonstration Center for Resource Recovery from Solid Organic Materials; repealing s. 403.7199, F.S., relating to the Florida Packaging Council; creating s. 403.08725, F.S.; providing requirements for citrus juice processing facilities with respect to obtaining air pollution, construction, and operations permits; providing definitions; providing emissions limits for such facilities; requiring certification of information submitted by citrus juice processing facilities to the Department of Environmental Protection; providing requirements with respect to determination and reporting of facility emissions; requiring the submission of annual operating reports; requiring maintenance of records; providing an affirmative defense to certain enforcement actions; adopting and incorporating specified federal regulations by reference; providing requirements, specifications, and restrictions with respect to air emissions trading; providing for annual emissions fees; providing penalty for failure to pay fees;

providing for deposit of fees in the Air Pollution Control Trust Fund; providing requirements with respect to construction of new facilities or modification of existing facilities; providing for the adoption of rules by the department; requiring the department to provide a report to the Legislature; providing for submission of the act to the United States Environmental Protection Agency; providing for applicability of the act and compliance requirements for facilities in the event of federal nonapproval; amending s. 120.80, F.S.; providing an exception to specified rulemaking by the Department of Environmental Protection; directing the department to explore alternatives to traditional methods of regulatory permitting and to consider specific limited pilot projects to test new compliance measures; providing reporting requirements; amending s. 403.0872, F.S.; requiring the Department of Environmental Protection to issue a separate acid rain permit for specified major sources of air pollution upon request of the applicant; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 11. Subsection (16) is added to section 120.80, Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.--

(16) DEPARTMENT OF ENVIRONMENTAL PROTECTION.--

Notwithstanding the provisions of s. 120.54(1)(d), the Department of Environmental Protection, in undertaking rulemaking to establish best available control technology, lowest achievable emissions rate, or case-by-case maximum available control technology for purposes of s. 403.08725, shall not adopt the lowest regulatory cost alternative if such adoption would prevent the agency from implementing federal requirements.

Section 12. The Department of Environmental Protection is directed to explore alternatives to traditional methods of regulatory permitting, provided that such alternative methods will not allow a material increase in pollution emissions or discharges. Working with industry, business associations, other government agencies, and interested parties, the department is directed to consider specific limited pilot projects to test new compliance measures. These measures should include, but not be limited to, reducing transaction costs for business and government and providing economic incentives for emissions reductions. The department shall report to the Legislature prior to implementation of a pilot project initiated pursuant to this section.

Section 13. The introductory paragraph of section 403.0872, Florida Statutes, is amended to read:

403.0872 Operation permits for major sources of air pollution; annual operation license fee.--Provided that program approval pursuant to 42 U.S.C. s. 7661a has been received from the United States Environmental Protection Agency, beginning January 2, 1995, each major source of air pollution, including electrical power plants certified under s. 403.511, must obtain from the department an operation permit for a major source of air pollution under this section. This operation permit, which is the only department operation permit for a major source of air pollution required for such source; provided, at the applicant's request, the department shall issue a separate Acid

Rain permit for a major source of air pollution that is an affected source within the meaning of 42 U.S.C. s. 7651a(1). Operation permits for major sources of air pollution, except general permits issued pursuant to s. 403.814, must be issued in accordance with the ~~following~~ procedures contained in this section and in accordance with chapter 120; however, to the extent that chapter 120 is inconsistent with the provisions of this section, the procedures contained in this section prevail.;

Section 14. Subsection (5) of section 403.7165 and section 403.7199, Florida Statutes, are repealed.

Section 15. This act shall take effect July 1, 2000.

Approved by the Governor June 15, 2000.

Filed in Office Secretary of State June 15, 2000.