Florida Solid and Hazardous Waste Regulation
Handbook: State Regulation

Michael T. Olexa, Aaron Leviten, and Kelly Samek

This document contains a brief overview of the structure of state and local government, followed by a discussion of the major state laws regulating the management of solid and hazardous waste. In addition, it gives a breakdown of both applicable and other laws into major topic areas of interest. These areas include:

- mechanical wastes, associated with the maintenance of machinery, equipment, and boats.
- chemical wastes, particularly pesticides, and common household chemical and hazardous wastes.
- underground storage tanks.
- biological wastes, primarily the disposal of animal carcasses and by-products.
- composting.
- residuals (sludge), including the restrictions on application to agricultural land.
- on-site sewage disposal.

Legal Overview

State law is similar to federal law. It consists of the same 2 parts: statutes and administrative rules (also referred to as administrative regulations).

Which Law Is More Important?

If there is federal law on an issue, that law sets a minimum standard that always applies. Sometimes state law may be stricter than federal law, and local governments may have even stricter rules than the state. In a few cases, the state may decide not to allow local governments to be stricter by passing a statute that explicitly prevents local governments from making and enforcing regulations which are stricter than the state's.

How Are State Government Actions Restricted?

To be sure that agencies deal fairly with you, Florida has passed laws that restrict the power of the state government. Three of these laws include:

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2. Michael T. Olexa, Professor in the Department of Food and Resource Economics and Director of the Agricultural Law Center, Florida Cooperative Extension Service, UF/IFAS, University of Florida, Gainesville, FL, and Member of the Florida Bar and Chair of the Agricultural Law Committee of the Florida Bar; Aaron Leviten, Attorney in Orlando and guest lecturer on pesticide litigation at the University of Florida; and Kelly Samek, 2003 graduate of the Levin College of Law at the University of Florida.
How Do I Tell My Side of the Story?

The Florida Administrative Procedure Act (Chapter 120, Florida Statutes) establishes your procedural rights, which include:

- the right to be heard by the agency.
- the right to receive notice of agency actions.
- a guaranteed opportunity for those who are most affected by agency actions to use those rights.

This statute allows you to have input into agency actions and rulemaking.

How Do I Find Out What Happens at Agency Meetings?

The Florida Sunshine Law (Chapter 286, Florida Statutes) declares that all meetings of any governmental body taking official action must be open to the public and the minutes must be recorded. This statute is not a guarantee of unconditional access to the government, but it goes a long way toward keeping administrative bodies accountable to you.

How Do I Find Out What Has Happened in the Past?

The Florida Public Records Law (Chapter 119, Florida Statutes) provides that all agency records, with a few exceptions, are available for you to inspect and copy. The exceptions apply when confidential information is necessary for an efficient government or when disclosing the information would have a negative effect on law enforcement.

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This handbook is designed to provide an accurate, current, and authoritative summary of the principal Florida laws that directly or indirectly relate to agriculture. It should provide a basic overview of the many rights and responsibilities farmers and farmland owners have under Florida laws. The reader is provided information about these rights and responsibilities and the appropriate contacts for more detailed information. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this publication is based are subject to constant revision, portions of this publication could become outdated at any time. Many details of cited laws are also left out due to space limitations.

This handbook is distributed with the understanding that the authors are not engaged in rendering legal or other professional advice and the information contained herein should not be regarded or relied upon as a substitute for professional advice. It is not all-inclusive in providing information to achieve compliance with laws and regulations governing the practice of agriculture. For these reasons, the use of these materials by any person constitutes an agreement to hold harmless the authors, UF/IFAS, the Agricultural Law Center, and the University of Florida for any liability claims, damages, or expenses that may be incurred by any person as a result of reference to or reliance upon the information contained in this publication.