

Florida Solid and Hazardous Waste Regulation Handbook: State Regulation¹

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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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1. The Florida Administrative Procedure Act.
2. The Florida Sunshine Law.
3. The Florida Public Records Law.

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.

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