

1                                   A bill to be entitled  
2           An act relating to solid waste management; amending s.  
3           403.709, F.S.; providing for the funding of a waste  
4           tire abatement program from the Solid Waste Management  
5           Trust Fund up to a specified percentage of total  
6           funds; establishing a solid waste landfill closure  
7           account within the Solid Waste Management Trust Fund;  
8           specifying the purpose of the account; authorizing the  
9           Department of Environmental Protection to use account  
10          funds to contract with a third party for the closing  
11          and long-term care of solid waste management  
12          facilities under specified circumstances; requiring  
13          the department to deposit certain funds into the solid  
14          waste landfill closure account; authorizing the  
15          department to use funds from the account to pay for or  
16          reimburse specified expenses under certain  
17          circumstances; deleting a solid waste landfill closure  
18          account within the Solid Waste Management Trust Fund;  
19          amending s. 403.7095, F.S.; authorizing waste tire  
20          abatement programs under the small county consolidated  
21          grant program; removing the waste tire abatement  
22          program supported by the solid waste management grant  
23          program; removing distribution requirements; deleting  
24          an obsolete provision; reenacting ss. 403.413(6)(a)  
25          and 403.7032(5)(h), F.S., relating to the Florida  
26          Litter Law and recycling, respectively, to incorporate

27 | the amendments made to s. 403.7095, F.S., in  
 28 | references thereto; providing effective dates.

29 |  
 30 | Be It Enacted by the Legislature of the State of Florida:

31 |  
 32 | Section 1. Paragraph (e) of subsection (1) and subsection  
 33 | (5) of section 403.709, Florida Statutes, are amended, present  
 34 | subsections (2) through (4) of that section are redesignated as  
 35 | subsections (3) through (5), respectively, and a new subsection  
 36 | (2) is added to that section, to read:

37 | 403.709 Solid Waste Management Trust Fund; use of waste  
 38 | tire fees.—There is created the Solid Waste Management Trust  
 39 | Fund, to be administered by the department.

40 | (1) From the annual revenues deposited in the trust fund,  
 41 | unless otherwise specified in the General Appropriations Act:

42 | (e) Up to 37 percent shall be used for funding a waste  
 43 | tire abatement program and a solid waste management grant  
 44 | program pursuant to s. 403.7095 for activities relating to  
 45 | recycling and waste reduction, including waste tires requiring  
 46 | final disposal. Of the funding specified in this paragraph, no  
 47 | more than 5 percent of the total may be used for funding the  
 48 | waste tire abatement program.

49 | (2) Notwithstanding subsection (1), a solid waste landfill  
 50 | closure account is established within the Solid Waste Management  
 51 | Trust Fund to provide funding for the closing and long-term care  
 52 | of solid waste management facilities.

53 (a) The department may use funds from the account to  
 54 contract with a third party for the closing and long-term care  
 55 of a solid waste management facility if:

56 1. The facility has, had, or was not required to obtain a  
 57 department permit to operate the facility;

58 2. The permittee, where required by permit or rule,  
 59 provided proof of financial assurance for closure in the form of  
 60 an insurance certificate or an alternative form of financial  
 61 assurance mechanism established pursuant to s. 403.7125;

62 3. The department has ordered the facility closed or has  
 63 deemed the facility abandoned;

64 4. The closure of the facility is accomplished in  
 65 substantial accordance with a closure plan approved by the  
 66 department; and

67 5. The department has sufficient documentation to confirm  
 68 that the issuer of the insurance policy or alternative form of  
 69 financial assurance will provide or reimburse the funds required  
 70 to complete the closing and long-term care of the facility.

71 (b) The department shall deposit all funds received from  
 72 the insurer or other parties for reimbursing the costs of  
 73 closing or long-term care of the facility under this subsection  
 74 into the solid waste landfill closure account.

75 (c) If the amount available under the insurance policy or  
 76 alternative form of financial assurance is insufficient, or is  
 77 otherwise unavailable, to perform or complete the facility  
 78 closing or long-term care under this subsection, and the

79 department has used all such funds from the insurance policy or  
80 alternative form of financial assurance, the department may use  
81 funds from the Solid Waste Management Trust Fund to pay for or  
82 reimburse additional expenses needed for performing or  
83 completing the approved facility closure or long-term care  
84 activities.

85 ~~(5) (a) Notwithstanding subsection (1), a solid waste~~  
86 ~~landfill closure account is established within the Solid Waste~~  
87 ~~Management Trust Fund to provide funding for the closing and~~  
88 ~~long-term care of solid waste management facilities. The~~  
89 ~~department may use funds from the account to contract with a~~  
90 ~~third party for the closing and long-term care of a solid waste~~  
91 ~~management facility if:~~

92 ~~1. The facility has or had a department permit to operate~~  
93 ~~the facility;~~

94 ~~2. The permittee provided proof of financial assurance for~~  
95 ~~closure in the form of an insurance certificate;~~

96 ~~3. The facility is deemed to be abandoned or was ordered~~  
97 ~~to close by the department;~~

98 ~~4. Closure is accomplished in substantial accordance with~~  
99 ~~a closure plan approved by the department; and~~

100 ~~5. The department has written documentation that the~~  
101 ~~insurance company issuing the closure insurance policy will~~  
102 ~~provide or reimburse the funds required to complete closing and~~  
103 ~~long-term care of the facility.~~

104 ~~(b) The department shall deposit the funds received from~~

HB 987

2016

105 ~~the insurance company as reimbursement for the costs of closing~~  
 106 ~~or long-term care of the facility into the solid waste landfill~~  
 107 ~~closure account.~~

108 ~~(c) This subsection expires July 1, 2016.~~

109 Section 2. Effective upon this act becoming a law, section  
 110 403.7095, Florida Statutes, is amended to read:

111 403.7095 Solid waste management grant program.-

112 (1) The department shall develop a consolidated grant  
 113 program for small counties having populations fewer than  
 114 100,000, with grants to be distributed equally among eligible  
 115 counties. Programs to be supported with the small-county  
 116 consolidated grants include those for the purpose of general  
 117 solid waste management, litter prevention and control, waste  
 118 tire abatement, and recycling and education programs.

119 ~~(2) The department shall develop a waste tire grant~~  
 120 ~~program making grants available to all counties. The department~~  
 121 ~~shall ensure that at least 25 percent of the funding available~~  
 122 ~~for waste tire grants is distributed equally to each county~~  
 123 ~~having a population fewer than 100,000. Of the remaining funds~~  
 124 ~~distributed to counties having a population of 100,000 or~~  
 125 ~~greater, the department shall distribute those funds on the~~  
 126 ~~basis of population.~~

127 ~~(3) From the funds made available pursuant to s.~~  
 128 ~~403.709(1)(c) for the grant program created by this section, the~~  
 129 ~~following distributions shall be made:~~

130 ~~(a) Up to 50 percent for the program described in~~

131 ~~subsection (1); and~~

132 ~~(b) Up to 50 percent for the program described in~~  
 133 ~~subsection (2).~~

134 (2)~~(4)~~ The department may adopt rules necessary to  
 135 administer this section, including, but not limited to, rules  
 136 governing timeframes for submitting grant applications, criteria  
 137 for prioritizing, matching criteria, maximum grant amounts, and  
 138 allocation of appropriated funds based upon project and  
 139 applicant size.

140 ~~(5) Notwithstanding any other provision of this section,~~  
 141 ~~and for the 2014-2015 fiscal year only, the Department of~~  
 142 ~~Environmental Protection shall award the sum of \$3 million in~~  
 143 ~~grants equally to counties having populations of fewer than~~  
 144 ~~100,000 for waste tire and litter prevention, recycling~~  
 145 ~~education, and general solid waste programs. This subsection~~  
 146 ~~expires July 1, 2015.~~

147 Section 3. For the purpose of incorporating the amendments  
 148 made by this act to section 403.7095, Florida Statutes, in a  
 149 reference thereto, paragraph (a) of subsection (6) of section  
 150 403.413, Florida Statutes, is reenacted to read:

151 403.413 Florida Litter Law.—

152 (6) PENALTIES; ENFORCEMENT.—

153 (a) Any person who dumps litter in violation of subsection  
 154 (4) in an amount not exceeding 15 pounds in weight or 27 cubic  
 155 feet in volume and not for commercial purposes is guilty of a  
 156 noncriminal infraction, punishable by a civil penalty of \$100,

157 from which \$50 shall be deposited into the Solid Waste  
158 Management Trust Fund to be used for the solid waste management  
159 grant program pursuant to s. 403.7095. In addition, the court  
160 may require the violator to pick up litter or perform other  
161 labor commensurate with the offense committed.

162 Section 4. For the purpose of incorporating the amendments  
163 made by this act to section 403.7095, Florida Statutes, in a  
164 reference thereto, paragraph (h) of subsection (5) of section  
165 403.7032, Florida Statutes, is reenacted to read:

166 403.7032 Recycling.—

167 (5) The Department of Environmental Protection shall  
168 create the Recycling Business Assistance Center by December 1,  
169 2010. In carrying out its duties under this subsection, the  
170 department shall consult with state agency personnel appointed  
171 to serve as economic development liaisons under s. 288.021 and  
172 seek technical assistance from Enterprise Florida, Inc., to  
173 ensure the Recycling Business Assistance Center is positioned to  
174 succeed. The purpose of the center shall be to serve as the  
175 mechanism for coordination among state agencies and the private  
176 sector in order to coordinate policy and overall strategic  
177 planning for developing new markets and expanding and enhancing  
178 existing markets for recyclable materials in this state, other  
179 states, and foreign countries. The duties of the center must  
180 include, at a minimum:

181 (h) Providing evaluation of solid waste management grants,  
182 pursuant to s. 403.7095, to reduce the flow of solid waste to

HB 987

2016

183 disposal facilities and encourage the sustainable recovery of  
184 materials from Florida's waste stream.

185 Section 5. Except as otherwise expressly provided in this  
186 act and except for this section, which shall take effect upon  
187 this act becoming a law, this act shall take effect July 1,  
188 2016.