

By Senator Clary

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A bill to be entitled
An act relating to air pollution; amending s.
403.031, F.S.; defining the term "Air Pollution
Control Trust Fund"; authorizing the Division
of Air Resource Management of the Department of
Environmental Protection to administer an air
pollution prevention grant program; providing
criteria for grants and funding; providing an
appropriation; providing an effective date.

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

Section 1. Subsection (21) is added to section
403.031, Florida Statutes, to read:

403.031 Definitions.--In construing this chapter, or
rules and regulations adopted pursuant hereto, the following
words, phrases, or terms, unless the context otherwise
indicates, have the following meanings:

(21) "Air Pollution Control Trust Fund" means a fund
authorized to accept appropriations, grants, donations, fees,
or other funds for the purpose of carrying out the
responsibilities of the department's air resource management
program, and to disburse funds to support air resources
responsibilities, including grant awards.

Section 2. Short title.--Sections 2 through 8 of this
act may be cited as the "Florida Air Pollution Prevention
Grant Program Act."

Section 3. Definition.--As used in sections 2 through
8 of this act, the term "air pollution prevention project"
means the implementation of voluntary air pollution
prevention. Actions or measures, including treatment, required

1 to comply with a source's legal requirements are not eligible
2 for grants under this act.

3 Section 4. Air pollution prevention grant program.--

4 (1) The Division of Air Resource Management of the
5 Department of Environmental Protection may administer an
6 air-pollution-prevention grant program.

7 (2) The division shall administer and control funds
8 appropriated to or received by the department for the purposes
9 of this act. The division may disburse funds to owners or
10 operators of public or private air pollution sources for
11 purposes of implementing air-pollution-prevention projects.
12 Awards of grants are exempt from chapter 287, Florida
13 Statutes.

14 Section 5. Air Pollution Control Trust Fund.--

15 (1) The Air Pollution Control Trust Fund is authorized
16 to accept grants, donations, fees, or other funds including,
17 but not limited to, Clean Air Act Title V Source Emission
18 Fees, asbestos removal notification fees, motor vehicle
19 license tag fees, motor vehicle emission inspection fees, and
20 Clean Air Act Section 105 grants awarded by the U.S.
21 Environmental Protection Agency, for the purpose of carrying
22 out the responsibilities of the Department of Environmental
23 Protection's air resource management program.

24 (2) The Air Pollution Control Trust Fund shall also
25 serve as a repository to accept moneys from any legal source,
26 including governmental and private, consistent with the
27 purposes of this act, and to disburse grants to owners or
28 operators of public or private pollution sources for purposes
29 of implementing air-pollution-prevention projects. All funds
30 received by the department to carry out the purposes of this
31 act relating to air pollution must be deposited in the Air

1 Pollution Control Trust Fund. The division may not award
2 grants in excess of funds received for this purpose.

3 Section 6. Grants; requirements for eligibility.--

4 (1) A grant may not be made for any project unless the
5 project and the plans and specifications are approved by the
6 division, subject to any requirements the division imposes to
7 ensure compliance with this act.

8 (2) A grant is payable to the recipient on a
9 reimbursement basis.

10 (3) A grant may not be made unless the recipient
11 agrees to continue proper and efficient operation and
12 maintenance after construction or implementation of the
13 project.

14 (4) An applicant for a grant must submit a detailed
15 implementation plan describing proposed measures,
16 implementation strategy, timeline, costs, management strategy,
17 anticipated results, and benefits to the environment.

18 Section 7. Grants; post-award requirements.--

19 (1) Any recipient of a grant under this act shall keep
20 such records as the department prescribes, including records
21 that fully disclose the amount and disposition by the
22 recipient of the proceeds of the assistance, the total cost of
23 the project or undertaking in connection with the assistance
24 given or used the amount of that portion of the cost of the
25 project or undertaking supplied by other sources, if any, and
26 any other records that will facilitate an effective audit. The
27 department and the Auditor General or any of their duly
28 authorized representatives have access, for the purpose of
29 audit and examination, to any books, documents, papers, and
30 records of the recipient that are pertinent to grants received
31 under this act. Upon project completion, the recipient shall

1 submit to the department an audit by a certified public
2 accountant of the grant expenditures.

3 (2) If the department determines that the recipient
4 failed to implement the project or improperly used the funds
5 awarded under the grant, then the recipient shall return to
6 the department that portion of funds awarded under the grant
7 to which the department determines the recipient is not
8 entitled. The returned funds must be redeposited in the trust
9 fund from which the funds were originally granted.

10 Section 8. Funding of projects; criteria.--In awarding
11 grants under this act, the division shall give great
12 consideration to the following:

13 (1) The intended percentage of pollutant reduction at
14 a pollution source, based on the source's pollution levels at
15 the time of the grant application.

16 (2) The relative importance of a pollutant's reduction
17 compared to other pollutants in the source's geographic area.

18 (3) The applicant's detailed implementation plan
19 describing proposed measures, implementation strategy,
20 timeline, costs, management strategy, and anticipated results
21 and benefits to the environment.

22
23 The department may consider an applicant's criminal history
24 and environmental compliance in awarding grants.

25 Section 9. Contracts.--The Division of Air Resource
26 Management may enter into contracts and agreements and
27 cooperate with any federal agency, any other state agency, any
28 local government agency, or any other legal source, public or
29 private, when it is necessary to carry out the provisions of
30 this act. Awards of grants are exempt from chapter 287,
31 Florida Statutes.

