

1  
2 An act relating to pollution control; amending  
3 s. 403.1835, F.S.; providing for the  
4 administration of the sewage treatment  
5 facilities revolving loan program; amending s.  
6 403.707, F.S.; revising and clarifying  
7 conditions under which the disposal of solid  
8 waste is exempt from Department of  
9 Environmental Protection permitting  
10 requirements; providing for a single financial  
11 mechanism to cover costs of closure of a  
12 privately owned solid-waste-management facility  
13 in certain circumstances; providing an  
14 effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Subsections (1), (3), (9), and (10) of  
19 section 403.1835, Florida Statutes, are amended to read:

20 403.1835 Sewage treatment facilities revolving loan  
21 program.--

22 (1) The purpose of this section is to assist in  
23 implementing the legislative declaration of public policy as  
24 contained in s. 403.021 by establishing a self-perpetuating  
25 loan program to accelerate construction of sewage treatment  
26 facilities by local governmental agencies and to assist local  
27 governmental agencies.

28 (3) The department is authorized to make loans and  
29 grants to local governmental agencies to assist them in  
30 planning, designing, and constructing sewage treatment  
31 facilities and stormwater management systems. The department

1 may administer the resulting portfolio of loans, including the  
2 authority to sell or pledge the loans, or any portion of the  
3 loans, with the approval of the Governor, the Treasurer, and  
4 the Comptroller, acting as the State Board of Administration,  
5 to ensure compliance with subsection (1).

6 (a) The department is authorized to make loans, to  
7 provide loan guarantees, to purchase loan insurance, and to  
8 refinance local debt through the issue of new loans for  
9 projects approved by the department. Local governmental  
10 agencies are authorized to borrow funds made available  
11 pursuant to this section and may pledge any revenue available  
12 to them to repay any funds borrowed. The department shall  
13 administer loans to local governmental agencies so that at  
14 least 15 percent of each annual allocation for loans is  
15 reserved for small communities.

16 (b) The department may make grants to financially  
17 disadvantaged small communities, as defined in s. 403.1838,  
18 using funds made available from grant allocations on loans  
19 authorized under subsection (4). The grants must be  
20 administered in accordance with s. 403.1838.

21 (c) The department may make grants to local government  
22 agencies as authorized under the Federal Water Pollution  
23 Control Act, or as a result of other federal action. The  
24 grants must be administered in accordance with this section  
25 and applicable federal requirements.

26 (9) Funds for the loans and grants authorized under  
27 this section must be managed as follows:

28 (a) A nonlapsing trust fund with revolving loan  
29 provisions to be known as the "Sewage Treatment Revolving Loan  
30 Fund" is hereby established in the State Treasury to be used  
31 as a revolving fund by the department to carry out the purpose

1 of this section. Any funds therein which are not needed on an  
2 immediate basis for loans may be invested pursuant to s.  
3 215.49. The cost of administering the program shall be paid  
4 from federal funds, and from reasonable service fees that may  
5 be imposed upon loans, and from proceeds from the sale of  
6 loans as permitted by federal law so as to enhance program  
7 perpetuity. Grants awarded by the Federal Government, state  
8 matching funds, and investment earnings thereon shall be  
9 deposited into the fund. Proceeds from the sale of loans must  
10 be deposited into the fund. All moneys available in the fund,  
11 including investment earnings, are hereby designated to carry  
12 out the purpose of this section. The principal and interest  
13 payments of all loans held by the fund ~~repaid and investment~~  
14 ~~earnings~~ shall be deposited into this fund.

15 (b) Revenues from the loan grant allocations  
16 authorized under subsection (4), federal appropriations, state  
17 matching funds for grants authorized by federal statute or  
18 other federal action, and service fees, and all earnings  
19 thereon, shall be deposited into the department's Grants and  
20 Donations Trust Fund. Service fees and all earnings thereon  
21 must be used solely for program administration. The loan grant  
22 allocation revenues and earnings thereon must be used solely  
23 for the purpose of making grants to financially disadvantaged  
24 small communities. Federal appropriations and state matching  
25 funds for grants authorized by federal statute or other  
26 federal action, and earnings thereon, must be used solely for  
27 the purposes authorized. All deposits into the department's  
28 Grants and Donations Trust Fund under this section, and  
29 earnings thereon, must be accounted for separately from all  
30 other moneys deposited into the fund.

31

1           (10)(a) Because the Legislature has experienced  
2 revenue shortfalls in recent years and has been unable to  
3 provide enough funds to fully match available federal funds to  
4 help capitalize the Sewage Treatment Revolving Loan Fund, it  
5 is necessary for innovative approaches to be considered to  
6 help capitalize the revolving loan fund. The department shall  
7 evaluate potential innovative approaches that can generate  
8 funds to match available federal funds. The department may  
9 adopt approaches that will help ensure the continuing  
10 viability of the Sewage Treatment Revolving Loan Fund.The  
11 department shall consider, among other possible alternatives,  
12 the option of implementing by rule a program to allow local  
13 governments to offer funds voluntarily to the state for use as  
14 a match to available federal funds to capitalize the state  
15 sewage treatment revolving loan fund.

16           (b) The department may adopt rules necessary to  
17 administer this section.

18           Section 2. Subsection (2) of section 403.707, Florida  
19 Statutes, is amended, and subsection (13) is added to that  
20 section, to read:

21           403.707 Permits.--

22           (2) Except as provided in s. 403.722(6), no permit  
23 under this section is required for the following, provided  
24 that the activity shall not create a no public nuisance or any  
25 condition adversely affecting the environment or public health  
26 and shall ~~is created and the activity does~~ not violate other  
27 state or local laws, ordinances, rules, regulations, or  
28 orders:

29           (a) Disposal by persons of solid waste resulting from  
30 their own activities on their own property, provided such  
31 waste is either ordinary household waste from their

1 residential property or is rocks, soils, trees, tree remains,  
2 and other vegetative matter which normally result from land  
3 development operations. Disposal of materials which could  
4 create a public nuisance or adversely affect the environment  
5 or public health, such as: white goods; automotive materials,  
6 such as batteries and tires; petroleum products; pesticides;  
7 solvents; or hazardous substances, is not covered under this  
8 exemption.

9 (b) Storage in containers by persons of solid waste  
10 resulting from their own activities on their property, leased  
11 or rented property, or property subject to a homeowners or  
12 maintenance association for which the person contributes  
13 association assessments, if the solid waste in such containers  
14 is collected at least once a week.

15 (c) Disposal by persons of solid waste resulting from  
16 their own activities on their property, provided the  
17 environmental effects of such disposal on groundwater and  
18 surface waters are:

19 1. Addressed or authorized by a site certification  
20 order issued under part II or a permit issued by the  
21 department pursuant to this chapter or rules adopted pursuant  
22 thereto; or

23 2. Addressed or authorized by, or exempted from the  
24 requirement to obtain, a groundwater monitoring plan approved  
25 by the department.

26 (d) Disposal by persons of solid waste resulting from  
27 their own activities on their own property, provided that such  
28 disposal occurred prior to October 1, 1988.

29 (e) Disposal of solid waste resulting from normal  
30 farming operations as defined by department rule.

31 Polyethylene agricultural plastic, damaged, nonsalvageable,

1 untreated wood pallets, and packing material that cannot be  
2 feasibly recycled, which are used in connection with  
3 agricultural operations related to the growing, harvesting, or  
4 maintenance of crops, may be disposed of by open burning,  
5 provided that no public nuisance or any condition adversely  
6 affecting the environment or the public health is created  
7 thereby and that state or federal ambient air quality  
8 standards are not violated.

9 (f) The use of clean debris as fill material in any  
10 area. However, this paragraph does not exempt any person from  
11 obtaining any other required permits, nor does it affect a  
12 person's responsibility to dispose of clean debris  
13 appropriately if it is not to be used as fill material.

14 (g) Compost operations that produce less than 50 cubic  
15 yards of compost per year when the compost produced is used on  
16 the property where the compost operation is located.

17 (13) If the department and a local government  
18 independently require financial assurance for the closure of a  
19 privately owned solid-waste-management facility, the  
20 department and that local government shall enter into an  
21 interagency agreement that will allow the owner or operator to  
22 provide a single financial mechanism to cover the costs of  
23 closure and any required long-term care. The financial  
24 mechanism may provide for the department and local government  
25 to be cobeneficiaries or copayees, but shall not impose  
26 duplicative financial requirements on the owner or operator.  
27 These closure costs must include at least the minimum required  
28 by department rules and must also include any additional costs  
29 required by local ordinance or regulation.

30 Section 3. This act shall take effect July 1 of the  
31 year in which enacted.