

By Representative Sindler

1 A bill to be entitled
2 An act relating to air pollution; providing a
3 short title; providing definitions;
4 establishing an air pollution prevention grant
5 program; requiring the Division of Air Resource
6 Management of the Department of Environmental
7 Protection to administer the program; providing
8 for grants to owners or operators of public or
9 private air pollution sources for purposes of
10 implementing air pollution prevention projects;
11 providing eligibility criteria; providing
12 requirements; authorizing the division to adopt
13 rules; authorizing the Air Pollution Control
14 Trust Fund to serve as a depository to accept
15 moneys for certain purposes; providing for
16 administration and disbursement of funds;
17 providing for return of grant moneys under
18 certain circumstances; providing authority to
19 enter into certain contracts or agreements;
20 providing an appropriation; providing an
21 effective date.

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

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25 Section 1. (1) This act may be cited as the "Florida
26 Air Pollution Prevention Grant Program Act."

27 (2) For purposes of this act:

28 (a) "Pollution prevention project" means the
29 implementation of voluntary pollution prevention as defined in
30 s. 403.031, Florida Statutes.

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1 (b) "Department" means the Department of Environmental
2 Protection.

3 (c) "Division" means the Division of Air Resource
4 Management of the department.

5 (3)(a) The division shall administer an air pollution
6 prevention grant program to provide funds to owners or
7 operators of public or private air pollution sources for
8 purposes of implementing air pollution prevention projects.
9 Awards of grants are subject to the criteria and to the
10 provisions of this act. Awards of grants are exempt from
11 chapter 287, Florida Statutes. The division may adopt rules to
12 carry out the purposes of this act and to establish
13 requirements for grant eligibility, post-award requirements,
14 and funding criteria.

15 (b)1. No grant may be made for any project unless such
16 project and the plans and specifications are approved by the
17 division, subject to such requirements as the division imposes
18 to ensure compliance with this act.

19 2. Grants made under this act shall be paid to the
20 recipient on a reimbursement basis.

21 3. A grant may not be made unless the recipient agrees
22 to continue proper and efficient project operation and
23 maintenance after construction or implementation of the
24 project.

25 4. An applicant for a grant must submit a detailed
26 implementation plan describing proposed measures,
27 implementation strategy, timeline, costs, management strategy,
28 anticipated results, and benefits to the environment.

29 5. Actions or measures, including treatment, required
30 to comply with a source's legal requirements are not eligible
31 for grants under this act.

1 (c) In awarding grants under this act, the division
2 shall consider:

3 1. The intended percentage of pollutant reductions at
4 a pollution source, based on the source's pollution levels at
5 the time of the grant application.

6 2. The relative importance of a pollutant's reduction
7 compared to other pollutants in the source's geographic area.

8 3. The applicant's detailed implementation plan
9 describing proposed measures, implementation strategy,
10 timeline, costs, management strategy, and anticipated results
11 and benefits to the environment.

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13 The department may consider an applicant's criminal history
14 and environmental compliance in awarding grants.

15 (4)(a) The Air Pollution Control Trust Fund may accept
16 appropriations, grants, donations, fees and any other funds,
17 including, but not limited to, source emission fees imposed
18 under Title V of the Clean Air Act, asbestos removal
19 notification fees, motor vehicle license tag fees, motor
20 vehicle emission inspection fees, and grants awarded under s.
21 105 of the Clean Air Act by the United States Environmental
22 Protection Agency, for the purpose of carrying out the
23 responsibilities of the department's air resource management
24 program and to disburse funds to support air resources
25 responsibilities, including grant awards.

26 (b) The Air Pollution Control Trust Fund shall also
27 serve as a repository to accept moneys from any public or
28 private legal source, consistent with the purposes of this
29 act, and to disburse grants to owners or operators of public
30 or private pollution sources, as defined in s. 403.031,
31 Florida Statutes, for purposes of implementing air pollution

1 prevention projects. All funds received by the department to
2 carry out the purposes of this act shall be deposited into
3 such fund. The division shall not award grants in excess of
4 funds received for this purpose.

5 (c) The division shall administer and control funds
6 appropriated to or received by the Air Pollution Control Trust
7 Fund for the purposes of this act.

8 (5) Any recipient of a grant under this act shall keep
9 such records as the department prescribes, including records
10 which fully disclose the amount and disposition by the
11 recipient of the proceeds of such assistance, the total cost
12 of the project or undertaking in connection with such
13 assistance given or used, the amount of that portion of the
14 cost of the project or undertaking supplied by other sources,
15 if any, and such other records as will facilitate an effective
16 audit. The department and the Auditor General or any
17 authorized representative of the department or the Auditor
18 General shall have access, for the purpose of audit and
19 examination, to any books, documents, papers, and records of
20 the recipient that are pertinent to grants received under this
21 act. Upon project completion, the recipient shall submit to
22 the department a report of an audit of the grant expenditures,
23 conducted by a public accountant.

24 (6) If the department determines that the recipient
25 failed to implement the subject project or improperly used the
26 funds awarded under the grant, the recipient shall return to
27 the department that portion of funds awarded under the grant
28 to which the department determines the recipient is not
29 entitled. Such returned funds shall be redeposited in the
30 trust fund from which the funds were originally withdrawn.

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