

By the Committee on Natural Resources

312-838-02

1 A bill to be entitled
2 An act relating to solid waste management;
3 amending s. 212.20, F.S.; transferring sales
4 tax proceeds to the Ecosystem Management and
5 Restoration Trust Fund instead of the Solid
6 Waste Management Trust Fund; amending s.
7 403.709, F.S.; providing for uses of moneys in
8 the Solid Waste Management Trust Fund; amending
9 s. 403.7095, F.S.; providing for a competitive
10 and innovative solid waste management grant
11 program; providing for evaluation and
12 prioritization of grant proposals and
13 submission of prioritized list to the Governor
14 and Legislature; providing authority to adopt
15 rules to administer the grant program; amending
16 s. 403.718, F.S.; rescinding the requirement
17 for waste-tire fees to be deposited into a
18 waste-tire account within the Solid Waste
19 Management Trust Fund; repealing s. 403.719,
20 F.S., rescinding requirements for waste-tire
21 grants; creating the Water Quality Improvement
22 and Water Restoration Grant Programs; providing
23 for the Department of Environmental Protection
24 to develop and administer a competitive grant
25 program; providing for eligible grant
26 recipients; providing for submission of a
27 priority list to the Governor and Legislature;
28 providing authority to adopt rules for the
29 grant program; providing an effective date.

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

1 Section 1. Subsection (6) of section 212.20, Florida
2 Statutes, is amended to read:

3 212.20 Funds collected, disposition; additional powers
4 of department; operational expense; refund of taxes
5 adjudicated unconstitutionally collected.--

6 (6) Distribution of all proceeds under this chapter
7 and s. 202.18(1)(b) and (2)(b) shall be as follows:

8 (a) Proceeds from the convention development taxes
9 authorized under s. 212.0305 shall be reallocated to the
10 Convention Development Tax Clearing Trust Fund.

11 (b) Proceeds from discretionary sales surtaxes imposed
12 pursuant to ss. 212.054 and 212.055 shall be reallocated to
13 the Discretionary Sales Surtax Clearing Trust Fund.

14 (c) Proceeds from the fees imposed under ss.
15 212.05(1)(i)3. and 212.18(3) shall remain with the General
16 Revenue Fund.

17 (d) The proceeds of all other taxes and fees imposed
18 pursuant to this chapter or remitted pursuant to s.
19 202.18(1)(b) and (2)(b) shall be distributed as follows:

20 1. In any fiscal year, the greater of \$500 million,
21 minus an amount equal to 4.6 percent of the proceeds of the
22 taxes collected pursuant to chapter 201, or 5 percent of all
23 other taxes and fees imposed pursuant to this chapter or
24 remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be
25 deposited in monthly installments into the General Revenue
26 Fund.

27 2. Two-tenths of one percent shall be transferred to
28 the Ecosystem Management and Restoration Trust Fund to be used
29 for water quality improvement and water restoration projects
30 ~~Solid Waste Management Trust Fund.~~

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1 3. After the distribution under subparagraphs 1. and
2 2., 9.653 percent of the amount remitted by a sales tax dealer
3 located within a participating county pursuant to s. 218.61
4 shall be transferred into the Local Government Half-cent Sales
5 Tax Clearing Trust Fund.

6 4. After the distribution under subparagraphs 1., 2.,
7 and 3., 0.065 percent shall be transferred to the Local
8 Government Half-cent Sales Tax Clearing Trust Fund and
9 distributed pursuant to s. 218.65.

10 5. For proceeds received after July 1, 2000, and after
11 the distributions under subparagraphs 1., 2., 3., and 4., 2.25
12 percent of the available proceeds pursuant to this paragraph
13 shall be transferred monthly to the Revenue Sharing Trust Fund
14 for Counties pursuant to s. 218.215.

15 6. For proceeds received after July 1, 2000, and after
16 the distributions under subparagraphs 1., 2., 3., and 4.,
17 1.0715 percent of the available proceeds pursuant to this
18 paragraph shall be transferred monthly to the Revenue Sharing
19 Trust Fund for Municipalities pursuant to s. 218.215. If the
20 total revenue to be distributed pursuant to this subparagraph
21 is at least as great as the amount due from the Revenue
22 Sharing Trust Fund for Municipalities and the Municipal
23 Financial Assistance Trust Fund in state fiscal year
24 1999-2000, no municipality shall receive less than the amount
25 due from the Revenue Sharing Trust Fund for Municipalities and
26 the Municipal Financial Assistance Trust Fund in state fiscal
27 year 1999-2000. If the total proceeds to be distributed are
28 less than the amount received in combination from the Revenue
29 Sharing Trust Fund for Municipalities and the Municipal
30 Financial Assistance Trust Fund in state fiscal year
31 1999-2000, each municipality shall receive an amount

1 proportionate to the amount it was due in state fiscal year
2 1999-2000.

3 7. Of the remaining proceeds:

4 a. Beginning July 1, 2000, and in each fiscal year
5 thereafter, the sum of \$29,915,500 shall be divided into as
6 many equal parts as there are counties in the state, and one
7 part shall be distributed to each county. The distribution
8 among the several counties shall begin each fiscal year on or
9 before January 5th and shall continue monthly for a total of 4
10 months. If a local or special law required that any moneys
11 accruing to a county in fiscal year 1999-2000 under the
12 then-existing provisions of s. 550.135 be paid directly to the
13 district school board, special district, or a municipal
14 government, such payment shall continue until such time that
15 the local or special law is amended or repealed. The state
16 covenants with holders of bonds or other instruments of
17 indebtedness issued by local governments, special districts,
18 or district school boards prior to July 1, 2000, that it is
19 not the intent of this subparagraph to adversely affect the
20 rights of those holders or relieve local governments, special
21 districts, or district school boards of the duty to meet their
22 obligations as a result of previous pledges or assignments or
23 trusts entered into which obligated funds received from the
24 distribution to county governments under then-existing s.
25 550.135. This distribution specifically is in lieu of funds
26 distributed under s. 550.135 prior to July 1, 2000.

27 b. The department shall distribute \$166,667 monthly
28 pursuant to s. 288.1162 to each applicant that has been
29 certified as a "facility for a new professional sports
30 franchise" or a "facility for a retained professional sports
31 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be

1 distributed monthly by the department to each applicant that
2 has been certified as a "facility for a retained spring
3 training franchise" pursuant to s. 288.1162; however, not more
4 than \$208,335 may be distributed monthly in the aggregate to
5 all certified facilities for a retained spring training
6 franchise. Distributions shall begin 60 days following such
7 certification and shall continue for not more than 30 years.
8 Nothing contained in this paragraph shall be construed to
9 allow an applicant certified pursuant to s. 288.1162 to
10 receive more in distributions than actually expended by the
11 applicant for the public purposes provided for in s.
12 288.1162(6). However, a certified applicant is entitled to
13 receive distributions up to the maximum amount allowable and
14 undistributed under this section for additional renovations
15 and improvements to the facility for the franchise without
16 additional certification.

17 c. Beginning 30 days after notice by the Office of
18 Tourism, Trade, and Economic Development to the Department of
19 Revenue that an applicant has been certified as the
20 professional golf hall of fame pursuant to s. 288.1168 and is
21 open to the public, \$166,667 shall be distributed monthly, for
22 up to 300 months, to the applicant.

23 d. Beginning 30 days after notice by the Office of
24 Tourism, Trade, and Economic Development to the Department of
25 Revenue that the applicant has been certified as the
26 International Game Fish Association World Center facility
27 pursuant to s. 288.1169, and the facility is open to the
28 public, \$83,333 shall be distributed monthly, for up to 168
29 months, to the applicant. This distribution is subject to
30 reduction pursuant to s. 288.1169. A lump sum payment of
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1 \$999,996 shall be made, after certification and before July 1,
2 2000.

3 8. All other proceeds shall remain with the General
4 Revenue Fund.

5 Section 2. Section 403.709, Florida Statutes, is
6 amended to read:

7 (Substantial rewording of section. See s. 403.709, for
8 present text.)

9 403.709 Solid Waste Management Trust Fund; use of
10 waste-tire fees.--There is created the Solid Waste Management
11 Trust Fund, to be administered by the department for the
12 purposes of:

13 (1) Funding solid waste activities of the department
14 and other state agencies, such as providing technical
15 assistance to local governments and the private sector,
16 performing solid-waste regulatory and enforcement functions,
17 preparing solid-waste documents, and implementing solid-waste
18 education programs.

19 (2) Providing funding for research and training
20 programs relating to solid-waste management through the Center
21 for Solid and Hazardous Waste Management and other
22 organizations that can reasonably demonstrate the capability
23 to carry out such projects.

24 (3) At least \$4 million of the revenues deposited in
25 the fund annually from waste-tire fees shall be transferred to
26 the Operations Trust Fund in the Department of Agriculture to
27 be used for mosquito control, especially control of West Nile
28 Virus. These funds shall supplement any other funds provided
29 to the Department of Agriculture and Consumer Services for
30 mosquito control.

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1 (4) Providing funding for litter prevention and
2 control programs coordinated by Keep Florida Beautiful, Inc.

3 (5) Providing funding for a competitive and innovative
4 grant program for activities relating to recycling and
5 reducing the volume of municipal solid waste, including
6 waste-tires requiring final disposal.

7 Section 3. Section 403.7095, Florida Statutes, is
8 amended to read:

9 (Substantial rewording of section. See s. 403.7095,
10 F.S., for present text.)

11 403.7095 Solid-waste-management grant program.--

12 (1) The department shall develop a competitive and
13 innovative grant program for counties, municipalities, special
14 districts, and nonprofit organizations that have legal
15 responsibility for the provision of solid-waste-management
16 services that:

17 (a) Demonstrate technologies or processes that are not
18 in common use in Florida, that represent a novel application
19 of an existing technology or process, or that overcome
20 obstacles to recycling and waste reduction in new or
21 innovative ways;

22 (b) Demonstrate innovative processes to collect and
23 recycle or reduce materials targeted by the department and the
24 recycling industry; or

25 (c) Demonstrate effective solutions to solving
26 solid-waste problems resulting from waste tires, particularly
27 in the areas of enforcement and abatement of illegal tire
28 dumping.

29
30 Because the Legislature recognizes that input from the
31 recycling industry is essential to the success of this grant

1 program, the department shall cooperate with private-sector
2 entities to develop a process and define specific criteria for
3 allowing their participation with grant recipients.

4 (2) The department shall evaluate and prioritize the
5 annual grant proposals and present the annual prioritized list
6 of projects to be funded to the Governor and the Legislature
7 as part of its annual budget request submitted pursuant to
8 chapter 216. Potential grant recipients are encouraged to
9 demonstrate local support for grant proposals by the
10 commitment of cash or in-kind matching funds.

11 (3) The department may adopt rules necessary to
12 administer this section, including, but not limited to, rules
13 governing timeframes for submitting grant applications,
14 criteria for prioritizing, matching criteria, maximum grant
15 amounts, and allocation of appropriated funds based upon
16 project and applicant size.

17 Section 4. Section 403.718, Florida Statutes, is
18 amended to read:

19 403.718 Waste-tire ~~Waste-tire~~ fees.--

20 (1) For the privilege of engaging in business, a fee
21 for each new motor vehicle tire sold at retail is imposed on
22 any person engaging in the business of making retail sales of
23 new motor vehicle tires within this state. The fee imposed
24 under this section shall be stated separately on the invoice
25 to the purchaser. Such fee shall be imposed at the rate of \$1
26 for each new tire sold. The fee imposed shall be paid to the
27 Department of Revenue on or before the 20th day of the month
28 following the month in which the sale occurs. For purposes of
29 this section, a motor vehicle tire sold at retail includes
30 such tires when sold as a component part of a motor vehicle.
31 The terms "sold at retail" and "retail sales" do not include

1 the sale of new motor vehicle tires to a person solely for the
2 purpose of resale provided the subsequent retail sale in this
3 state is subject to the fee. This fee does not apply to
4 recapped tires. Such fee shall be subject to all applicable
5 taxes imposed in chapter 212.

6 (2) The fee imposed by this section shall be reported
7 to the Department of Revenue. The payment shall be
8 accompanied by such form as the Department of Revenue may
9 prescribe. The proceeds of the waste tire fee, less
10 administrative costs, shall be transferred by the Department
11 of Revenue into ~~the waste tire account within~~ the Solid Waste
12 Management Trust Fund. For the purposes of this section,
13 "proceeds" of the fee means ~~shall mean~~ all funds collected and
14 received by the department hereunder, including interest and
15 penalties on delinquent fees. The amount deducted for the
16 costs of administration must ~~shall~~ not exceed 3 percent of the
17 total revenues collected hereunder and may include ~~shall be~~
18 only those costs reasonably attributable to the fee.

19 (3)(a) The Department of Revenue shall administer,
20 collect, and enforce the fee authorized under this section
21 pursuant to the same procedures used in the administration,
22 collection, and enforcement of the general state sales tax
23 imposed under chapter 212, except as provided in this section.
24 The provisions of this section regarding the authority to
25 audit and make assessments, keeping of books and records, and
26 interest and penalties on delinquent fees ~~shall~~ apply. The
27 fee shall not be included in the computation of estimated
28 taxes pursuant to s. 212.11 nor shall the dealer's credit for
29 collecting taxes or fees in s. 212.12 apply to this fee.

30 (b) The Department of Revenue is authorized to employ
31 persons and incur other expenses for which funds are

1 appropriated by the Legislature. The department is empowered
2 to adopt such rules and shall prescribe and publish such forms
3 as are ~~may be~~ necessary to effectuate the purposes of this
4 section. The department is authorized to establish audit
5 procedures and to assess delinquent fees.

6 Section 5. Section 403.719, Florida Statutes, is
7 repealed.

8 Section 6. Water Quality Improvement and Water
9 Restoration Grant Program.--

10 (1) The Department of Environmental Protection shall
11 develop and administer a competitive grant program to use
12 funds transferred pursuant to section 212.20, Florida
13 Statutes, to the Ecosystem Management and Restoration Trust
14 Fund for water quality improvement and water restoration
15 project grants. Eligible recipients of such grants include
16 counties, municipalities, water management districts, and
17 special districts that have legal responsibilities for water
18 quality improvement, water management, storm water management,
19 sewer system operations, and lake and river restoration
20 projects.

21 (2) The competitive grant program shall provide for
22 the evaluation of annual grant proposals, considering the
23 degree to which such projects will protect public health and
24 the environment. Other considerations in the evaluation of
25 projects shall include the degree that such grant proposals
26 will help implement plans developed pursuant to the Surface
27 Water Improvement and Management Act, other required water
28 restoration plans required by law, management plans prepared
29 pursuant to section 403.067, Florida Statutes, or other plans
30 adopted by local government for water quality improvement and
31 water restoration.

