

By the Committee on Natural Resources

312-1745A-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 list  
27          to the Governor and Legislature; providing that  
28          a certain percentage of funds available  
29          annually be set aside to assist financially  
30          disadvantaged small local governments;  
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1 providing authority to adopt rules for the  
2 grant program; providing an effective date.

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

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

8 212.20 Funds collected, disposition; additional powers  
9 of department; operational expense; refund of taxes  
10 adjudicated unconstitutionally collected.--

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

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

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

19 (c) Proceeds from the fees imposed under ss.  
20 212.05(1)(i)3. and 212.18(3) shall remain with the General  
21 Revenue Fund.

22 (d) The proceeds of all other taxes and fees imposed  
23 pursuant to this chapter or remitted pursuant to s.  
24 202.18(1)(b) and (2)(b) shall be distributed as follows:

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

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

5           3. After the distribution under subparagraphs 1. and  
6 2., 9.653 percent of the amount remitted by a sales tax dealer  
7 located within a participating county pursuant to s. 218.61  
8 shall be transferred into the Local Government Half-cent Sales  
9 Tax Clearing Trust Fund.

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

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

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

1 less than the amount received in combination from the Revenue  
2 Sharing Trust Fund for Municipalities and the Municipal  
3 Financial Assistance Trust Fund in state fiscal year  
4 1999-2000, each municipality shall receive an amount  
5 proportionate to the amount it was due in state fiscal year  
6 1999-2000.

7 7. Of the remaining proceeds:

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

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1           b. The department shall distribute \$166,667 monthly  
2 pursuant to s. 288.1162 to each applicant that has been  
3 certified as a "facility for a new professional sports  
4 franchise" or a "facility for a retained professional sports  
5 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
6 distributed monthly by the department to each applicant that  
7 has been certified as a "facility for a retained spring  
8 training franchise" pursuant to s. 288.1162; however, not more  
9 than \$208,335 may be distributed monthly in the aggregate to  
10 all certified facilities for a retained spring training  
11 franchise. Distributions shall begin 60 days following such  
12 certification and shall continue for not more than 30 years.  
13 Nothing contained in this paragraph shall be construed to  
14 allow an applicant certified pursuant to s. 288.1162 to  
15 receive more in distributions than actually expended by the  
16 applicant for the public purposes provided for in s.  
17 288.1162(6). However, a certified applicant is entitled to  
18 receive distributions up to the maximum amount allowable and  
19 undistributed under this section for additional renovations  
20 and improvements to the facility for the franchise without  
21 additional certification.

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

28           d. Beginning 30 days after notice by the Office of  
29 Tourism, Trade, and Economic Development to the Department of  
30 Revenue that the applicant has been certified as the  
31 International Game Fish Association World Center facility

1 pursuant to s. 288.1169, and the facility is open to the  
2 public, \$83,333 shall be distributed monthly, for up to 168  
3 months, to the applicant. This distribution is subject to  
4 reduction pursuant to s. 288.1169. A lump sum payment of  
5 \$999,996 shall be made, after certification and before July 1,  
6 2000.

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

9 Section 2. Section 403.709, Florida Statutes, is  
10 amended to read:

11 403.709 Solid Waste Management Trust Fund; use of  
12 waste tire fees ~~fee moneys; waste tire site management.~~--

13 (1) There is created the Solid Waste Management Trust  
14 Fund, to be administered by the department for the purposes  
15 of:

16 (a) Funding core solid waste activities of the  
17 department and other state agencies, such as providing  
18 technical assistance to local governments and the private  
19 sector, performing solid waste regulatory and enforcement  
20 functions, funding removal of tires from illegal waste tire  
21 sites, preparing solid waste documents, and implementing solid  
22 waste education programs.

23 ~~(b) Making grants and awards to local governments as~~  
24 ~~provided in s. 403.7095.~~

25 ~~(b)(c)~~ Providing funding for research, ~~demonstration,~~  
26 and training programs relating to solid waste management  
27 through the Center for Solid and Hazardous Waste Management  
28 and other organizations that can reasonably demonstrate the  
29 capability to carry out such projects. ~~by state universities,~~  
30 ~~community colleges, and independent nonprofit colleges and~~  
31 ~~universities within the state which are accredited by the~~

1 ~~Southern Association of Colleges and Schools, and other~~  
2 ~~organizations that can reasonably demonstrate the capability~~  
3 ~~to carry out such projects. Of the annual amounts~~  
4 ~~appropriated by the Legislature for the Solid Waste Management~~  
5 ~~Trust Fund, up to 5 percent may be reserved by the secretary~~  
6 ~~and used to fund on a matching basis research, demonstration,~~  
7 ~~and training projects related to solid waste management.~~  
8 ~~Those projects may include, but are not limited to,~~  
9 ~~undertakings such as market development for recycled~~  
10 ~~materials, composting techniques and use, and plastic~~  
11 ~~materials.~~

12 (c) Providing funding for litter prevention and  
13 control programs coordinated by Keep Florida Beautiful, Inc.

14 (d) Providing funding for a competitive and innovative  
15 grant program for activities relating to recycling and  
16 reducing the volume of municipal solid waste, and solving  
17 solid-waste problems resulting from waste tires.

18 (2) For Fiscal Year 2003-2004, \$3 million of the  
19 revenues deposited in the fund annually from waste-tire fees  
20 shall be transferred to the Operations Trust Fund in the  
21 Department of Agriculture and Consumer Services to be used for  
22 mosquito control, especially control of West Nile Virus. These  
23 funds shall supplement any other fund provided to the  
24 Department of Agriculture and Consumer Services for mosquito  
25 control. ~~Aseptic packaging is recognized as a significant~~  
26 ~~advancement in source reduction and energy efficiency. The~~  
27 ~~Legislature finds that the state's recycling goals could be~~  
28 ~~more easily reached if aseptic packaging and other polycoated~~  
29 ~~paperboard packaging could be collected from residences, state~~  
30 ~~agencies, public schools, community colleges, and~~  
31 ~~universities. Therefore, the department shall consider~~

1 ~~programs whereby such entities may participate in recycling~~  
2 ~~aseptic packaging and other polycoated paperboard packaging,~~  
3 ~~especially if businesses or industries make available, at no~~  
4 ~~cost, equipment to simplify or facilitate such activity.~~

5 ~~(3) Moneys allocated to the fund from waste tire fees~~  
6 ~~shall be used:~~

7 ~~(a) To pay department costs for administering these~~  
8 ~~funds and programs.~~

9 ~~(b) To provide funding for research and demonstration~~  
10 ~~projects relating to solving solid waste problems resulting~~  
11 ~~from waste tires.~~

12 ~~(c) To provide funds for removal of tires from illegal~~  
13 ~~waste tire sites according to priorities established by~~  
14 ~~department rule.~~

15 ~~(d) To provide grants to counties to accomplish the~~  
16 ~~purposes set forth in s. 403.719.~~

17 ~~(e) At least 10 percent of the revenues deposited in~~  
18 ~~the fund annually from waste tire fees shall be allocated as~~  
19 ~~additional grants to local mosquito control agencies for the~~  
20 ~~specific purpose of abating and providing mosquito control~~  
21 ~~relating to waste tire sites, other tire piles, and other~~  
22 ~~sites identified by local mosquito control agencies as~~  
23 ~~mosquito breeding areas. Only local mosquito control agencies~~  
24 ~~approved by the Department of Agriculture and Consumer~~  
25 ~~Services may receive funds pursuant to this paragraph. Each~~  
26 ~~county with an eligible local mosquito control agency shall be~~  
27 ~~allocated a minimum of \$15,000 pursuant to this paragraph.~~  
28 ~~Any remaining funds under this paragraph shall be distributed~~  
29 ~~to eligible local mosquito control agencies on the basis of~~  
30 ~~county population. If more than one local mosquito control~~

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1 ~~agency exists in a county, the funds shall be prorated between~~  
2 ~~the agencies based on the population served by each agency.~~

3       (3)~~(4)~~ The department shall recover to the use of the  
4 fund from the site owner or the person responsible for the  
5 accumulation of tires at the site, jointly and severally, all  
6 sums expended from the fund pursuant to this section to manage  
7 tires at an illegal waste tire site, except that the  
8 department may decline to pursue such recovery if it finds the  
9 amount involved too small or the likelihood of recovery too  
10 uncertain. If a court determines that the owner is unable or  
11 unwilling to comply with the rules adopted pursuant to this  
12 section or s. 403.717, the court may authorize the department  
13 to take possession and control of the waste tire site in order  
14 to protect the health, safety, and welfare of the community  
15 and the environment.

16       (4)~~(5)~~ The department may impose a lien on the real  
17 property on which the waste tire site is located and the waste  
18 tires equal to the estimated cost to bring the tire site into  
19 compliance, including attorney's fees and court costs. Any  
20 property owner which has such a lien imposed may release her  
21 or his property from any lien claimed under this subsection by  
22 filing with the clerk of the circuit court a cash or surety  
23 bond, payable to the department in the amount of the estimated  
24 cost of bringing the tire site into compliance with department  
25 rules, including attorney's fees and court costs, or the value  
26 of the property after the abatement action is complete,  
27 whichever is less.

28       (5)~~(6)~~ This section does not limit the use of other  
29 remedies available to the department.

30       Section 3. Section 403.7095, Florida Statutes, is  
31 amended to read:

1           (Substantial rewording of section. See  
2           s. 403.7095, F.S., for present text.)  
3           403.7095 Solid-waste-management grant program.--  
4           (1) The department shall develop a competitive and  
5 innovative grant program for counties, municipalities, special  
6 districts, and nonprofit organizations that have legal  
7 responsibility for the provision of solid-waste-management  
8 services. The department shall ensure that not less than \$2.5  
9 million is available annually for counties having a population  
10 less than 100,000 for solid waste management activities,  
11 including waste tire management, recycling and education  
12 programs, and litter control. These funds shall be distributed  
13 as follows: each eligible county shall receive a base grant in  
14 the amount of \$50,000, with the remaining funds distributed  
15 proportionately based on population. Funds in excess of the  
16 amount provided to counties having a population less than  
17 100,000 shall be used to fund the competitive and innovative  
18 grant program for projects that:  
19           (a) Demonstrate technologies or processes that are not  
20 in common use in Florida, that represent a novel application  
21 of an existing technology or process, or that overcome  
22 obstacles to recycling and waste reduction in new or  
23 innovative ways;  
24           (b) Demonstrate innovative processes to collect and  
25 recycle or reduce materials targeted by the department and the  
26 recycling industry; or  
27           (c) Demonstrate effective solutions to solving  
28 solid-waste problems resulting from waste tires, particularly  
29 in the areas of enforcement and abatement of illegal tire  
30 dumping and activities to promote market development of waste  
31 tire products.

1  
2 Because the Legislature recognizes that input from the  
3 recycling industry is essential to the success of this grant  
4 program, the department shall cooperate with private-sector  
5 entities to develop a process and define specific criteria for  
6 allowing their participation with grant recipients.

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

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

20 Section 4. Section 403.718, Florida Statutes, is  
21 amended to read:

22 403.718 Waste-tire ~~Waste-tire~~ fees.--

23 (1) For the privilege of engaging in business, a fee  
24 for each new motor vehicle tire sold at retail is imposed on  
25 any person engaging in the business of making retail sales of  
26 new motor vehicle tires within this state. The fee imposed  
27 under this section shall be stated separately on the invoice  
28 to the purchaser. Such fee shall be imposed at the rate of \$1  
29 for each new tire sold. The fee imposed shall be paid to the  
30 Department of Revenue on or before the 20th day of the month  
31 following the month in which the sale occurs. For purposes of

1 this section, a motor vehicle tire sold at retail includes  
2 such tires when sold as a component part of a motor vehicle.  
3 The terms "sold at retail" and "retail sales" do not include  
4 the sale of new motor vehicle tires to a person solely for the  
5 purpose of resale provided the subsequent retail sale in this  
6 state is subject to the fee. This fee does not apply to  
7 recapped tires. Such fee shall be subject to all applicable  
8 taxes imposed in chapter 212.

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

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

3 (b) The Department of Revenue is authorized to employ  
4 persons and incur other expenses for which funds are  
5 appropriated by the Legislature. The department is empowered  
6 to adopt such rules and shall prescribe and publish such forms  
7 as are ~~may be~~ necessary to effectuate the purposes of this  
8 section. The department is authorized to establish audit  
9 procedures and to assess delinquent fees.

10 Section 5. Section 403.719, Florida Statutes, is  
11 repealed.

12 Section 6. Water Quality Improvement and Water  
13 Restoration Grant Program.--

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

25 (2) The competitive grant program shall provide for  
26 the evaluation of annual grant proposals, considering the  
27 degree to which such projects will protect public health and  
28 the environment. Other considerations in the evaluation of  
29 projects shall include the degree that such grant proposals  
30 will help implement plans developed pursuant to the Surface  
31 Water Improvement and Management Act, other required water

1 restoration plans required by law, management plans prepared  
2 pursuant to section 403.067, Florida Statutes, or other plans  
3 adopted by local government for water quality improvement and  
4 water restoration.

5 (3) The department shall evaluate the annual grant  
6 proposals and present the annual list of projects recommended  
7 to be funded to the Governor and the Legislature as part of  
8 its annual budget request submitted pursuant to chapter 216,  
9 Florida Statutes.

10 (4) Each fiscal year, at least 20 percent of the funds  
11 available pursuant to subsection (1) shall be used for  
12 projects to assist financially disadvantaged small local  
13 governments. For purposes of this section, the term  
14 "financially disadvantaged small local government" means a  
15 municipality having a population of 7,500 or less, a county  
16 having a population of 35,000 or less, according to the latest  
17 decennial census and a per capita annual income less than the  
18 state per capita annual income as determined by the United  
19 States Department of Commerce, or counties in areas designated  
20 by the Governor as rural areas of critical economic concern  
21 pursuant to s. 288.0696. Grants made to these eligible local  
22 governments shall not require matching local funds.

23 (5) The department may adopt rules necessary to  
24 administer this section, including, but not limited to, rules  
25 governing timeframes for submitting grant applications,  
26 evaluation criteria, forms, matching criteria, maximum grant  
27 amounts, and allocation of appropriated funds based upon  
28 project and applicant size.

29 Section 7. This act shall take effect upon becoming a  
30 law.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 710

4     The committee substitute restores certain enforcement and lien  
5     provisions that the Department of Environmental Protection  
6     needs to effectively administer the provisions relating to the  
7     illegal dumping of waste tires and the clean up of waste tire  
8     sites.

9     The committee substitute provides that for FY 2003-2004, \$3  
10    million of the revenues deposited into the Solid Waste  
11    Management Trust Fund from waste tire fees shall be  
12    transferred to the Operations Trust Fund in the Department of  
13    Agriculture and Consumer Services to be used for mosquito  
14    control.

15    The Department of Environmental Protection is required to  
16    insure that not less than \$2.5 million be available annually  
17    for counties with a population of less than 100,000 for solid  
18    waste activities. Each eligible county shall receive a base  
19    grant of \$50,000 with the remaining funds distributed  
20    proportionately based on population.

21    The competitive and innovative grant program may be used to  
22    fund activities to promote market development of waste tire  
23    products.

24    Each fiscal year, at least 20 percent of the funds available  
25    for the Water Quality Improvement and Water Restoration Grant  
26    Program shall be used for projects to assist financially  
27    disadvantaged small local governments. Grants to these  
28    eligible local governments shall not require matching local  
29    funds.

30    Deletes the requirement that the list of project proposals for  
31    the Water Quality Improvement and Water Restoration Grant  
32    Program be prioritized.