

By the Committees on Appropriations; Finance and Taxation;
Natural Resources; and Senator Pruitt

309-2046-02

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.
7 403.705, F.S.; eliminating the requirement that
8 the state solid waste management program be
9 updated every 3 years; requiring the Department
10 of Environmental Protection to obtain certain
11 information from the counties and to prepare an
12 annual report; amending s. 403.706, F.S.;
13 revising the requirements for the counties'
14 recycling program; eliminating certain notice
15 requirements relating to counties providing the
16 opportunity to recycle; modifying the
17 provisions relating to the information counties
18 must provide to the department regarding their
19 solid waste management program and recycling
20 activities; modifying the provisions relating
21 to the eligibility of counties for certain
22 solid waste grants; amending s. 403.707, F.S.;
23 providing requirements for permits; amending s.
24 403.709, F.S.; providing for uses of moneys in
25 the Solid Waste Management Trust Fund; amending
26 s. 403.7095, F.S.; providing for a competitive
27 and innovative solid waste management grant
28 program; providing for evaluation and
29 prioritization of grant proposals and
30 submission of prioritized list to the Governor
31 and Legislature; providing authority to adopt

1 rules to administer the grant program; amending
2 s. 403.717, F.S.; eliminating the authority of
3 the Department of Environmental Protection to
4 establish procedures for administering
5 waste-tire grants; amending s. 403.718, F.S.;
6 rescinding the requirement for waste-tire fees
7 to be deposited into a waste-tire account
8 within the Solid Waste Management Trust Fund;
9 creating the Water Quality Improvement and
10 Water Restoration Grant Programs; providing for
11 the Department of Environmental Protection to
12 develop and administer a competitive grant
13 program; providing for eligible grant
14 recipients; providing for submission of a list
15 to the Governor and Legislature; providing that
16 a certain percentage of funds available
17 annually be set aside to assist financially
18 disadvantaged small local governments;
19 providing authority to adopt rules for the
20 grant program; repealing s. 403.7175, F.S.,
21 relating to an annual transfer from the General
22 Revenue Fund; repealing s. 403.7085, F.S.,
23 relating to the disposal of animal parts and
24 fats and certain other waste products;
25 repealing s. 403.719, F.S.; rescinding
26 requirements for waste-tire grants; repealing
27 s. 403.7165, F.S., relating to the Applications
28 Demonstration Center for Resource Recovery from
29 Solid Organic Materials; providing an effective
30 date.
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Effective July 1, 2003, subsection (6) of
4 section 212.20, Florida Statutes, is amended to read:

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

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

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

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

16 (c) Proceeds from the fees imposed under ss.
17 212.05(1)(i)3. and 212.18(3) shall remain with the General
18 Revenue Fund.

19 (d) The proceeds of all other taxes and fees imposed
20 pursuant to this chapter or remitted pursuant to s.
21 202.18(1)(b) and (2)(b) shall be distributed as follows:

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

29 2. Two-tenths of one percent shall be transferred to
30 the Ecosystem Management and Restoration Trust Fund to be used

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1 for water quality improvement and water restoration projects
2 ~~Solid Waste Management Trust Fund.~~

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

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

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

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

1 Financial Assistance Trust Fund in state fiscal year
2 1999-2000, each municipality shall receive an amount
3 proportionate to the amount it was due in state fiscal year
4 1999-2000.

5 7. Of the remaining proceeds:

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

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

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

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

25 d. Beginning 30 days after notice by the Office of
26 Tourism, Trade, and Economic Development to the Department of
27 Revenue that the applicant has been certified as the
28 International Game Fish Association World Center facility
29 pursuant to s. 288.1169, and the facility is open to the
30 public, \$83,333 shall be distributed monthly, for up to 168
31 months, to the applicant. This distribution is subject to

1 reduction pursuant to s. 288.1169. A lump sum payment of
2 \$999,996 shall be made, after certification and before July 1,
3 2000.

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

6 Section 2. Section 403.705, Florida Statutes, is
7 amended to read:

8 403.705 State solid waste management program.--

9 (1) The state solid waste management program shall:

10 (a) Provide guidelines for the orderly ~~collection,~~
11 ~~transportation,~~ storage, separation, processing, recovery,
12 recycling, and disposal of solid waste throughout the state;

13 (b) Encourage coordinated local activity for solid
14 waste management within a common geographical area;

15 (c) Investigate the present status of solid waste
16 management in the state with positive proposals for local
17 action to correct deficiencies in present solid waste
18 management processes;

19 (d) Provide planning, technical, and financial
20 assistance to local governments and state agencies for
21 reduction, recycling, reuse, and processing of solid waste and
22 for safe and environmentally sound solid waste management and
23 disposal;

24 (e) Assist in the development of solid waste reduction
25 and recycling programs to properly manage solid waste and
26 conserve resources; and

27 (f) Provide for the education of the general public
28 and the training of solid waste management professionals to
29 reduce the production of solid waste, to ensure proper
30 processing and disposal of solid waste, and to encourage
31 recycling and solid waste reduction.

1 ~~(2) The state solid waste management program shall be~~
2 ~~updated at least once every 3 years.~~

3 (2)~~(3)~~ The state solid waste management program shall
4 include, at a minimum:

5 (a) Procedures and requirements to ensure cooperative
6 efforts in solid waste management by counties and
7 municipalities and groups of counties and municipalities where
8 appropriate.

9 (b) Provisions for the continuation of existing
10 effective regional resource recovery, recycling, and solid
11 waste management facilities and programs.

12 (c) Planning guidelines and technical assistance to
13 counties and municipalities to aid in meeting the municipal
14 solid waste reduction goals established in s. 403.706(4).

15 (d) Planning guidelines and technical assistance to
16 counties and municipalities to develop and implement recycling
17 programs.

18 (e) Technical assistance to counties and
19 municipalities in determining the full cost for solid waste
20 management pursuant to ~~as required in~~ s. 403.7049(1).

21 (f) Planning guidelines and technical assistance to
22 counties and municipalities to develop and implement programs
23 for alternative disposal or processing or recycling of the
24 solid wastes prohibited from disposal in landfills under s.
25 403.708(13) and for special wastes.

26 (g) A public education program, to be developed in
27 cooperation with the Department of Education, local
28 governments, other state agencies, and business and industry
29 organizations, to inform the public of the need for and the
30 benefits of recycling of solid waste and reducing the amounts
31 of solid and hazardous waste generated and disposed of in the

1 state. The public education program shall be implemented
2 through public workshops and through the use of brochures,
3 reports, public service announcements, and other materials.

4 (3) The department shall periodically seek information
5 from counties to evaluate and report on the success in meeting
6 the solid waste reduction goal.

7 ~~(4) The department shall prepare by December 1 each~~
8 ~~year a report on the status of solid waste management efforts~~
9 ~~in the state. The report shall include, at a minimum:~~

10 ~~(a) A comprehensive analysis, to be updated in each~~
11 ~~report, of solid waste generation and disposal in the state~~
12 ~~projected for the 20-year period beginning on October 1, 1988.~~

13 ~~(b) The total amounts of solid waste generated,~~
14 ~~materials recycled, and disposed of, and the methods of solid~~
15 ~~waste recycling and disposal used during the calendar year~~
16 ~~prior to the year in which the report is published.~~

17 ~~(c) An evaluation of the development and~~
18 ~~implementation of local solid waste management programs and~~
19 ~~county and municipal recycling programs.~~

20 ~~(d) An evaluation of the success of each county or~~
21 ~~group of counties in meeting the municipal solid waste~~
22 ~~reduction goal established in s. 403.706(4).~~

23 ~~(e) Recommendations concerning existing and potential~~
24 ~~programs for solid waste reduction and recycling that would be~~
25 ~~appropriate for local governments and state agencies to~~
26 ~~implement to meet the requirements of this act.~~

27 ~~(f) An evaluation of the markets for recycled~~
28 ~~materials and the success of state, local, and private~~
29 ~~industry efforts to enhance the markets for such materials.~~

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1 ~~(g) Recommendations to the Governor and the~~
2 ~~Legislature to improve the management and recycling of solid~~
3 ~~waste in this state.~~

4 ~~(5) The department shall develop descriptive~~
5 ~~literature to inform local governments of the solid waste~~
6 ~~management responsibilities and opportunities described in~~
7 ~~this act.~~

8 Section 3. Section 403.706, Florida Statutes, is
9 amended to read:

10 403.706 Local government solid waste
11 responsibilities.--

12 (1) The governing body of a county has the
13 responsibility and power to provide for the operation of solid
14 waste disposal facilities to meet the needs of all
15 incorporated and unincorporated areas of the county. Unless
16 otherwise approved by an interlocal agreement or special act,
17 municipalities may not operate solid waste disposal facilities
18 unless a municipality demonstrates by a preponderance of the
19 evidence that the use of a county designated facility, when
20 compared to alternatives proposed by the municipality, places
21 a significantly higher and disproportionate financial burden
22 on the citizens of the municipality when compared to the
23 financial burden placed on persons residing within the county
24 but outside of the municipality. However, a municipality may
25 construct and operate a resource recovery facility and related
26 onsite solid waste disposal facilities without an interlocal
27 agreement with the county if the municipality can demonstrate
28 by a preponderance of the evidence that the operation of such
29 facility will not significantly impair financial commitments
30 made by the county with respect to solid waste management
31 services and facilities or result in significantly increased

1 solid waste management costs to the remaining persons residing
2 within the county but not served by the municipality's
3 facility. This section shall not prevent a municipality from
4 continuing to operate or use an existing disposal facility
5 permitted on or prior to October 1, 1988. Any municipality
6 which establishes a solid waste disposal facility under this
7 subsection and subsequently abandons such facility shall be
8 responsible for the payment of any capital expansion necessary
9 to accommodate the municipality's solid waste for the
10 remaining projected useful life of the county disposal
11 facility. Pursuant to this section and notwithstanding any
12 other provision of this chapter, counties shall have the power
13 and authority to adopt ordinances governing the disposal of
14 solid waste generated outside of the county at the county's
15 solid waste disposal facility. In accordance with this
16 section, municipalities are responsible for collecting and
17 transporting solid waste from their jurisdictions to a solid
18 waste disposal facility operated by a county or operated under
19 a contract with a county. Counties may charge reasonable fees
20 for the handling and disposal of solid waste at their
21 facilities. The fees charged to municipalities at a solid
22 waste management facility specified by the county shall not be
23 greater than the fees charged to other users of the facility
24 except as provided in s. 403.7049(5). Solid waste management
25 fees collected on a countywide basis shall be used to fund
26 solid waste management services provided countywide.

27 (2)(a) Each county shall implement ~~initiate~~ a
28 recyclable materials recycling program. Counties and
29 municipalities are encouraged to form cooperative arrangements
30 for implementing recycling programs. ~~The following~~
31 ~~requirements shall apply:~~

1 ~~(a) Construction and demolition debris must be~~
2 ~~separated from the solid waste stream and segregated in~~
3 ~~separate locations at a solid waste disposal facility or other~~
4 ~~permitted site.~~

5 (b) ~~At a minimum,~~Such programs shall be designed to
6 recover a significant portion ~~majority of the newspaper,~~
7 ~~aluminum cans, steel cans, glass, and plastic bottles~~ from the
8 solid waste stream prior to final disposal at a solid waste
9 disposal facility and to offer at least four of the following
10 ~~these~~ materials for recycling: newspaper, aluminum cans, steel
11 cans, glass, plastic bottles, cardboard, office paper, and
12 yard trash. Local governments which operate permitted
13 waste-to-energy facilities may retrieve ferrous and nonferrous
14 metal ~~steel cans~~ as a byproduct of combustion.

15 (c) Local governments are encouraged to separate all
16 plastics, metal, and all grades of paper for recycling prior
17 to final disposal and are further encouraged to recycle yard
18 trash and other mechanically treated solid waste into compost
19 available for agricultural and other acceptable uses.

20 (d) Each county is encouraged to ~~shall~~ consider plans
21 for composting or mulching of organic materials that would
22 otherwise be disposed of in a landfill. The composting or
23 mulching plans are encouraged to ~~must~~ address partnership with
24 the private sector.

25 (3) Each county shall ensure, to the maximum extent
26 possible, that municipalities within its boundaries
27 participate in the preparation and implementation of recycling
28 and solid waste management programs through interlocal
29 agreements pursuant to s. 163.01 or other means provided by
30 law. Nothing in a county's solid waste management or recycling
31 program shall affect the authority of a municipality to

1 franchise or otherwise provide for the collection of solid
2 waste generated within the boundaries of the municipality.

3 (4)(a) A county's solid waste management and recycling
4 programs shall be designed to provide for sufficient reduction
5 of the amount of solid waste generated within the county and
6 the municipalities within its boundaries in order to meet
7 goals for the reduction of municipal solid waste prior to the
8 final disposal or the incineration of such waste at a solid
9 waste disposal facility. The goals shall provide, at a
10 minimum, that the amount of municipal solid waste that would
11 be disposed of within the county and the municipalities within
12 its boundaries is reduced by at least 30 percent. ~~in~~

13 ~~determining whether the municipal solid waste reduction goal~~
14 ~~established by this subsection has been achieved, no more than~~
15 ~~one-half of the goal may be met with yard trash, white goods,~~
16 ~~construction and demolition debris, and tires that are removed~~
17 ~~from the total amount of municipal solid waste. However, if a~~
18 ~~county that is a special district created by chapter 67-764,~~
19 ~~Laws of Florida, demonstrates that yard trash, construction~~
20 ~~and demolition debris, white goods, and waste tires comprise~~
21 ~~more than 50 percent of the municipal solid waste generated in~~
22 ~~the county and municipalities within its boundaries, the~~
23 ~~county may meet the reduction goal established by this~~
24 ~~subsection by reducing the Class I municipal solid waste~~
25 ~~generated in the county and municipalities within its~~
26 ~~boundaries at a rate equal to the average rate Class I~~
27 ~~municipal solid waste is reduced in the 20 most populous~~
28 ~~counties, as determined by the department for the previous~~
29 ~~reporting period. As used in this subsection, "Class I~~
30 ~~municipal solid waste" means municipal solid waste other than~~

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1 ~~yard trash, construction and demolition debris, white goods,~~
2 ~~and waste tires.~~

3 (b) ~~Notwithstanding the limitation on the waste~~
4 ~~reduction goal in paragraph (a),~~A county may receive credit
5 for one-half of the goal for waste reduction from ~~one or a~~
6 ~~combination of the following:~~

7 1. ~~The use of pelletized paper waste as a supplemental~~
8 ~~fuel in permitted boilers other than waste-to-energy~~
9 ~~facilities.~~

10 2. the use of yard trash, or other clean wood waste or
11 paper waste, in innovative programs including, but not limited
12 to, programs that produce alternative clean-burning fuels such
13 as ethanol or that provide for the conversion of yard trash or
14 other clean wood waste or paper waste to clean-burning fuel
15 for the production of energy for use at facilities other than
16 a waste-to-energy facility as defined in s. 403.7061. The
17 provisions of this paragraph ~~subparagraph only~~ apply only if a
18 county can demonstrate that:

19 1.a. The county has implemented a yard trash mulching
20 or composting program, and

21 2.b. As part of the program, compost and mulch made
22 from yard trash is available to the general public and in use
23 at county-owned or maintained and municipally owned or
24 maintained facilities in the county and state agencies
25 operating in the county as required by this section.

26 (c) ~~No facility, solely by virtue of the fact that it~~
27 ~~uses processed yard trash or clean wood or paper waste as a~~
28 ~~fuel source, shall be deemed to be a solid waste disposal~~
29 ~~facility.~~

30 (c)(d) A county with a population of 100,000 ~~75,000~~ or
31 less may provide its residents with the opportunity to recycle

1 in lieu of achieving the goal set forth in paragraph (a). For
2 the purposes of this subsection, the "opportunity to recycle"
3 means that the county:

4 1.a. Provides a system for separating and collecting
5 recyclable materials prior to disposal that is located at a
6 solid waste management facility or solid waste disposal area;
7 or

8 b. Provides a system of places within the county for
9 collection of source-separated recyclable materials.

10 2. Provides a public education and promotion program
11 that is conducted to inform its residents of the opportunity
12 to recycle, encourages source separation of recyclable
13 materials, and promotes the benefits of reducing, reusing,
14 recycling, and composting materials.

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16 ~~If a county with a population of 75,000 or less decides to~~
17 ~~provide the opportunity to recycle in lieu of achieving the~~
18 ~~goal set forth in paragraph (a), the county shall notify the~~
19 ~~department by October 1 of such decision, and shall provide~~
20 ~~the department with a description of how the county intends to~~
21 ~~provide the opportunity to recycle. The department shall take~~
22 ~~into consideration the description provided by the county in~~
23 ~~determining the amount of grant moneys to be provided to the~~
24 ~~county pursuant to s. 403.7095.~~

25 (5) As used in this section, "municipal solid waste"
26 includes any solid waste, except for sludge, resulting from
27 the operation of residential, commercial, governmental, or
28 institutional establishments that would normally be collected,
29 processed, and disposed of through a public or private solid
30 waste management service. The term includes yard trash but

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1 does not include solid waste from industrial, mining, or
2 agricultural operations.

3 (6) The department may reduce or modify the municipal
4 solid waste reduction goal that a county is required to
5 achieve pursuant to subsection (4) if the county demonstrates
6 to the department that:

7 (a) The achievement of the goal set forth in
8 subsection (4) would have an adverse effect on the financial
9 obligations of a county that are directly related to a
10 waste-to-energy facility owned or operated by or on behalf of
11 the county; and

12 (b) The county cannot remove normally combustible
13 materials from solid waste that is to be processed at a
14 waste-to-energy facility because of the need to maintain a
15 sufficient amount of solid waste to ensure the financial
16 viability of the facility.

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18 The goal shall not be waived entirely and may only be reduced
19 or modified to the extent necessary to alleviate the adverse
20 effects of achieving the goal on the financial viability of a
21 county's waste-to-energy facility. Nothing in this subsection
22 shall exempt a county from developing and implementing a
23 recycling program pursuant to this act.

24 (7) In order to assess the progress in meeting the
25 goal established in subsection (4), each county shall, by
26 November ~~October~~ each year, provide information ~~report~~ to the
27 department its annual solid waste management program and
28 recycling activities. The information ~~report~~ by the county
29 must include:

30 ~~(a) A description of its public education program on~~
31 ~~recycling;~~

1 ~~(a)(b)~~ The amount of municipal solid waste disposed of
2 at solid waste disposal facilities, by type of waste such as
3 yard trash, white goods, clean debris, tires, and unseparated
4 solid waste;

5 ~~(b)(c)~~ The amount and type of materials from the
6 municipal solid waste stream that were recycled; and

7 ~~(c)(d)~~ The percentage of the population participating
8 in various types of recycling activities instituted; +

9 ~~(e)~~ ~~The percent reduction each year in municipal solid~~
10 ~~waste disposed of at solid waste disposal facilities;~~

11 ~~(f)~~ ~~A description of the recycling activities~~
12 ~~attempted, their success rates, the perceived reasons for~~
13 ~~failure or success, and the recycling activities which are~~
14 ~~ongoing and most successful; and~~

15 ~~(g)~~ ~~A description of the progress made toward~~
16 ~~developing a composting program for organic materials such as~~
17 ~~yard waste, food waste, and paper waste that would otherwise~~
18 ~~be disposed of in a landfill.~~

19 (8) A county or municipality may enter into a written
20 agreement with other persons, including persons transporting
21 solid waste on October 1, 1988, to undertake to fulfill some
22 or all of the county's or municipality's responsibilities
23 under this section.

24 (9) In the development and implementation of a
25 curbside recyclable materials collection program, a county or
26 municipality shall enter into negotiations with a franchisee
27 who is operating to exclusively collect solid waste within a
28 service area of a county or municipality to undertake curbside
29 recyclable materials collection responsibilities for a county
30 or municipality. If the county or municipality and such
31 franchisee fail to reach an agreement within 60 days from the

1 initiation of such negotiations, the county or municipality
2 may solicit proposals from other persons to undertake curbside
3 recyclable materials collection responsibilities for the
4 county or municipality as it may require. Upon the
5 determination of the lowest responsible proposal, the county
6 or municipality may undertake, or enter into a written
7 agreement with the person who submitted the lowest responsible
8 proposal to undertake, the curbside recyclable materials
9 collection responsibilities for the county or municipality,
10 notwithstanding the exclusivity of such franchise agreement.

11 (10) In developing and implementing recycling
12 programs, counties and municipalities shall give consideration
13 to the collection, marketing, and disposition of recyclable
14 materials by persons engaged in the business of recycling ~~on~~
15 ~~October 1, 1988,~~ whether or not the persons are ~~were~~ operating
16 for profit. Counties and municipalities are encouraged to use
17 for-profit and nonprofit organizations in fulfilling their
18 responsibilities under this act.

19 (11) A county and the municipalities within the
20 county's boundaries may jointly develop a recycling program,
21 provided that the county and each such municipality must enter
22 into a written agreement to jointly develop a recycling
23 program. If a municipality does not participate in jointly
24 developing a recycling program with the county within which it
25 is located, the county may require the municipality to provide
26 information on recycling efforts undertaken within the
27 boundaries of the municipality in order to determine whether
28 the goal for municipal solid waste reduction is being
29 achieved.

30 (12) It is the policy of the state that a county and
31 its municipalities may jointly determine, through an

1 interlocal agreement pursuant to s. 163.01 or by requesting
2 the passage of special legislation, which local governmental
3 agency shall administer a solid waste management or recycling
4 program.

5 (13) The county shall provide written notice to all
6 municipalities within the county when recycling program
7 development begins and shall provide periodic written progress
8 reports to the municipalities concerning the preparation of
9 the recycling program.

10 (14) Nothing in this act shall be construed to prevent
11 the governing body of any county or municipality from
12 providing by ordinance or regulation for solid waste
13 management requirements which are stricter or more extensive
14 than those imposed by the state solid waste management program
15 and rules, regulations, and orders issued thereunder.

16 (15) Nothing in this act or in any rule adopted by any
17 agency shall be construed to require any county or
18 municipality to participate in any regional solid waste
19 management or regional resource recovery program until the
20 governing body of such county or municipality has determined
21 that participation in such a program is economically feasible
22 for that county or municipality. Nothing in this act or in any
23 special or local act or in any rule adopted by any agency
24 shall be construed to limit the authority of a municipality to
25 regulate the disposal of solid waste within its boundaries or
26 generated within its boundaries so long as a facility for any
27 such disposal has been approved by the department, unless the
28 municipality is included within a solid waste management
29 program created by interlocal agreement or special or local
30 act. If bonds had been issued to finance a resource recovery
31 or management program or a solid waste management program in

1 reliance on state law granting to a county the responsibility
2 for the resource recovery or management program or a solid
3 waste management program, nothing herein shall permit any
4 governmental agency to withdraw from said program if said
5 agency's participation is necessary for the financial
6 feasibility of the project, so long as said bonds are
7 outstanding.

8 (16) Nothing in this chapter or in any rule adopted by
9 any state agency hereunder shall require any person to
10 subscribe to any private solid waste collection service.

11 (17) To effect the purposes of this part, counties and
12 municipalities are authorized, in addition to other powers
13 granted pursuant to this part:

14 (a) To contract with persons to provide resource
15 recovery services or operate resource recovery facilities on
16 behalf of the county or municipality.

17 (b) To indemnify persons providing resource recovery
18 services or operating resource recovery facilities for
19 liabilities or claims arising out of the provision or
20 operation of such services or facilities that are not the
21 result of the sole negligence of the persons providing such
22 services or operating such facilities.

23 (c) To waive sovereign immunity and immunity from suit
24 in federal court by vote of the governing body of the county
25 or municipality to the extent necessary to carry out the
26 authority granted in paragraphs (a) and (b), notwithstanding
27 the limitations prescribed in s. 768.28.

28 (d) To grant a solid waste fee waiver to nonprofit
29 organizations that are engaged in the collection of donated
30 goods for charitable purposes and that have a recycling or
31 reuse rate of 50 percent or better.

1 (18) Each operator of a solid waste management
2 facility owned or operated by or on behalf of a county or
3 municipality shall weigh all solid waste when it is received.
4 The scale used to measure the solid waste shall conform to the
5 requirements of chapter 531 and any rules promulgated
6 thereunder.

7 ~~(19) A county listed in chapter 17-7, Florida~~
8 ~~Administrative Code, which was required to submit to the~~
9 ~~department a local resource recovery and management program~~
10 ~~shall revise its existing local resource recovery and~~
11 ~~management program if necessary to meet the requirements of~~
12 ~~this act.~~

13 (19)~~(20)~~ In the event the power to manage solid waste
14 has been granted to a special district or other entity by
15 special act or interlocal agreement, any duty or
16 responsibility or penalty imposed under this part on a county
17 or municipality shall apply to such special district or other
18 entity to the extent of the grant of such duty or
19 responsibility or imposition of such penalty. To the same
20 extent, such special district or other entity shall be
21 eligible for grants or other benefits provided pursuant to
22 this part.

23 (20)~~(21)~~ In addition to any other penalties provided
24 by law, a local government that does not comply with the
25 requirements of subsections (2) and (4) shall not be eligible
26 for grants from the Solid Waste Management Trust Fund, and the
27 department may notify the State Treasurer to withhold payment
28 of all or a portion of funds payable to the local government
29 by the department from the General Revenue Fund or by the
30 department from any other state fund, to the extent not
31 pledged to retire bonded indebtedness, unless the local

1 government demonstrates that good faith efforts to meet the
2 requirements of subsections (2) and (4) have been made or that
3 the funds are being or will be used to finance the correction
4 of a pollution control problem that spans jurisdictional
5 boundaries.

6 (21)~~(22)~~ Local governments are authorized to enact
7 ordinances that require and direct all residential properties
8 and industrial, commercial, and institutional establishments
9 as defined by the local government to establish programs for
10 the separation of recyclable materials designated by the local
11 government, which recyclable materials are specifically
12 intended for purposes of recycling and for which a market
13 exists, and to provide for their collection. Such ordinances
14 may include, but are not limited to, provisions that prohibit
15 any person from knowingly disposing of recyclable materials
16 designated by the local government and that ensure the
17 collection of recovered materials as necessary to protect
18 public health and safety.

19 (22)~~(23)~~ Nothing in this act shall limit the authority
20 of the state or any local government to regulate the
21 collection, transportation, processing, or handling of
22 recovered materials or solid waste in order to protect the
23 public health, safety, and welfare.

24 Section 4. Subsections (15) and (16) are added to
25 section 403.707, Florida Statutes, to read:

26 403.707 Permits.--

27 (15) Construction and demolition debris must be
28 separated from the solid waste stream and segregated in
29 separate locations at a solid waste disposal facility or other
30 permitted site.

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1 (16) No facility, solely by virtue of the fact that it
2 uses processed yard trash or clean wood or paper waste as a
3 fuel source, shall be considered to be a solid waste disposal
4 facility.

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

7 (Substantial rewording of section. See
8 s. 403.709, F.S., for 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 of
12 Environmental Protection. From the annual revenues deposited
13 in the trust fund, unless otherwise specified in the General
14 Appropriation Act:

15 (1) Up to 40 percent shall be used for funding solid
16 waste activities of the department and other state agencies,
17 such as providing technical assistance to local governments
18 and the private sector, performing solid waste regulatory and
19 enforcement functions, preparing solid waste documents, and
20 implementing solid waste education programs.

21 (2) Up to 4.5 percent shall be used for funding for
22 research and training programs relating to solid waste
23 management through the Center for Solid and Hazardous Waste
24 Management and other organizations which can reasonably
25 demonstrate the capability to carry out such projects.

26 (3) Up to 11 percent shall be used for funding to
27 supplement any other funds provided to the Department of
28 Agriculture and Consumer Services for mosquito control. This
29 distribution shall be annually transferred to the General
30 Inspection Trust Fund in the Department of Agriculture and
31

1 Consumer Services to be used for mosquito control, especially
2 control of West Nile Virus.

3 (4) Up to 4.5 percent shall be used for funding to the
4 Department of Transportation for litter prevention and control
5 programs coordinated by Keep Florida Beautiful, Inc.

6 (5) At least 40 percent shall be used for funding a
7 competitive and innovative grant program pursuant to s.
8 403.7095 for activities relating to recycling and reducing the
9 volume of municipal solid waste, including waste tires
10 requiring final disposal.

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

24 (7) The department may impose a lien on the real
25 property on which the waste tire site is located and the waste
26 tires equal to the estimated cost to bring the tire site into
27 compliance, including attorney's fees and court costs. Any
28 owner whose property has such a lien imposed may release her
29 or his property from any lien claimed under this subsection by
30 filing with the clerk of the circuit court a cash or surety
31 bond, payable to the department in the amount of the estimated

1 cost of bringing the tire site into compliance with department
2 rules, including attorney's fees and court costs, or the value
3 of the property after the abatement action is complete,
4 whichever is less.

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

7 Section 6. Section 403.7095, Florida Statutes, is
8 amended to read:

9 (Substantial rewording of section. See
10 s. 403.7095, 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 and activities to promote market development of waste
29 tire products.

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

6 (d) The department shall evaluate and prioritize the
7 annual grant proposals and present the annual prioritized list
8 of projects to be funded to the Governor and the Legislature
9 as part of its annual budget request submitted pursuant to
10 chapter 216, beginning with fiscal year 2003-2004. Potential
11 grant recipients are encouraged to demonstrate local support
12 for grant proposals by the commitment of cash or in-kind
13 matching funds.

14 (2) The department shall develop a consolidated grant
15 program for small counties having populations fewer than
16 100,000, with grants to be distributed equally among eligible
17 counties. Programs to be supported with the small-county
18 consolidated grants include general solid waste management,
19 litter prevention and control, and recycling and education
20 programs.

21 (3) The department shall develop a waste tire grant
22 program making grants available to all counties. The
23 department shall ensure that at least 25 percent of the
24 funding available for waste tire grants is distributed equally
25 to each county having a population fewer than 100,000.

26 (4) From the funds made available pursuant to s.
27 403.709(5) for the grant program created by this section, the
28 following distributions shall be made:

29 (a) Up to 15 percent for the program described in
30 subsection (1);

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1 (b) Up to 35 percent for the program described in
2 subsection (2); and

3 (c) Up to 50 percent for the program described in
4 subsection (3).

5 (5) The department may adopt rules necessary to
6 administer this section, including, but not limited to, rules
7 governing timeframes for submitting grant applications,
8 criteria for prioritizing, matching criteria, maximum grant
9 amounts, and allocation of appropriated funds based upon
10 project and applicant size.

11 Section 7. Subsections (1) and (4) of section 403.717,
12 Florida Statutes, are amended to read:

13 403.717 Waste tire and lead-acid battery
14 requirements.--

15 (1) For purposes of this section and ss. 403.718 and,
16 ~~403.7185, and 403.719:~~

17 (a) "Department" means the Department of Environmental
18 Protection.

19 (b) "Motor vehicle" means an automobile, motorcycle,
20 truck, trailer, semitrailer, truck tractor and semitrailer
21 combination, or any other vehicle operated in this state, used
22 to transport persons or property and propelled by power other
23 than muscular power, but the term does not include traction
24 engines, road rollers, such vehicles as run only upon a track,
25 bicycles, mopeds, or farm tractors and trailers.

26 (c) "Tire" means a continuous solid or pneumatic
27 rubber covering encircling the wheel of a motor vehicle.

28 (d) "Waste tire" means a tire that has been removed
29 from a motor vehicle and has not been retreaded or regrooved.
30 "Waste tire" includes, but is not limited to, used tires and
31 processed tires.

1 (e) "Waste tire collection center" means a site where
2 waste tires are collected from the public prior to being
3 offered for recycling and where fewer than 1,500 tires are
4 kept on the site on any given day.

5 (f) "Waste tire processing facility" means a site
6 where equipment is used to recapture reusable byproducts from
7 waste tires or to cut, burn, or otherwise alter waste tires so
8 that they are no longer whole. The term includes mobile waste
9 tire processing equipment.

10 (g) "Waste tire site" means a site at which 1,500 or
11 more waste tires are accumulated.

12 (h) "Lead-acid battery" means those lead-acid
13 batteries designed for use in motor vehicles, vessels, and
14 aircraft, and includes such batteries when sold new as a
15 component part of a motor vehicle, vessel, or aircraft, but
16 not when sold to recycle components.

17 (i) "Indoor" means within a structure which excludes
18 rain and public access and would control air flows in the
19 event of a fire.

20 (j) "Processed tire" means a tire that has been
21 treated mechanically, chemically, or thermally so that the
22 resulting material is a marketable product or is suitable for
23 proper disposal.

24 (k) "Used tire" means a waste tire which has a minimum
25 tread depth of $\frac{3}{32}$ inch or greater and is suitable for use
26 on a motor vehicle.

27 (4) The department shall adopt rules to carry out the
28 provisions of this section and s. ss. 403.718 and ~~403.719~~.

29 Such rules shall:
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1 (a) Provide for the administration or revocation of
2 waste tire processing facility permits, including mobile
3 processor permits;

4 (b) Provide for the administration or revocation of
5 waste tire collector registrations, the fees for which may not
6 exceed \$50 per vehicle registered annually;

7 (c) Provide for the administration or revocation of
8 waste tire collection center permits, the fee for which may
9 not exceed \$250 annually;—

10 (d) Set standards, including financial assurance
11 standards, for waste tire processing facilities and associated
12 waste tire sites, waste tire collection centers, waste tire
13 collectors, and for the storage of waste tires and processed
14 tires, including storage indoors;

15 (e) The department may by rule exempt not-for-hire
16 waste tire collectors and processing facilities from financial
17 assurance requirements;—

18 ~~(f) Establish procedures for administering the waste~~
19 ~~tire grants program and issuing grants;~~

20 (f)~~(g)~~ Authorize the final disposal of waste tires at
21 a permitted solid waste disposal facility provided the tires
22 have been cut into sufficiently small parts to assure their
23 proper disposal; and

24 (g)~~(h)~~ Allow waste tire material which has been cut
25 into sufficiently small parts to be used as daily cover
26 material for a landfill.

27 Section 8. Section 403.718, Florida Statutes, is
28 amended to read:

29 403.718 Waste-tire ~~Waste-tire~~ fees.--

30 (1) For the privilege of engaging in business, a fee
31 for each new motor vehicle tire sold at retail is imposed on

1 any person engaging in the business of making retail sales of
2 new motor vehicle tires within this state. The fee imposed
3 under this section shall be stated separately on the invoice
4 to the purchaser. Such fee shall be imposed at the rate of \$1
5 for each new tire sold. The fee imposed shall be paid to the
6 Department of Revenue on or before the 20th day of the month
7 following the month in which the sale occurs. For purposes of
8 this section, a motor vehicle tire sold at retail includes
9 such tires when sold as a component part of a motor vehicle.
10 The terms "sold at retail" and "retail sales" do not include
11 the sale of new motor vehicle tires to a person solely for the
12 purpose of resale provided the subsequent retail sale in this
13 state is subject to the fee. This fee does not apply to
14 recapped tires. Such fee shall be subject to all applicable
15 taxes imposed in chapter 212.

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

29 (3)(a) The Department of Revenue shall administer,
30 collect, and enforce the fee authorized under this section
31 pursuant to the same procedures used in the administration,

1 collection, and enforcement of the general state sales tax
2 imposed under chapter 212, except as provided in this section.
3 The provisions of this section regarding the authority to
4 audit and make assessments, keeping of books and records, and
5 interest and penalties on delinquent fees ~~shall~~ apply. The
6 fee shall not be included in the computation of estimated
7 taxes pursuant to s. 212.11 nor shall the dealer's credit for
8 collecting taxes or fees in s. 212.12 apply to this fee.

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

16 Section 9. Water Quality Improvement and Water
17 Restoration Grant Program.--

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

29 (2) The competitive grant program shall provide for
30 the evaluation of annual grant proposals, considering the
31 degree to which such projects will protect public health and

1 the environment. Other considerations in the evaluation of
2 projects shall include the degree that such grant proposals
3 will help implement plans developed pursuant to the Surface
4 Water Improvement and Management Act, other required water
5 restoration plans required by law, management plans prepared
6 pursuant to section 403.067, Florida Statutes, or other plans
7 adopted by local government for water quality improvement and
8 water restoration.

9 (3) The department shall evaluate the annual grant
10 proposals and present the annual list of projects recommended
11 to be funded to the Governor and the Legislature as part of
12 its annual budget request submitted pursuant to chapter 216,
13 Florida Statutes, beginning with fiscal year 2003-2004.

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

28 (5) The department may adopt rules necessary to
29 administer this section, including, but not limited to, rules
30 governing timeframes for submitting grant applications,
31 evaluation criteria, forms, matching criteria, maximum grant

1 amounts, and allocation of appropriated funds based upon
2 project and applicant size.

3 Section 10. Sections 403.7085, 403.7165, 403.719, and
4 403.7175, Florida Statutes, are repealed.

5 Section 11. Except as otherwise specifically provided
6 in this act, this act shall take effect July 1, 2002.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for CS for SB 710

4 Provisions from CS/SB 1038 (now on Senate Calendar) relating
5 to solid waste management are added to this bill to provide
6 some regulatory reform and flexibility to local governments
7 due to reduced state funding assistance for these matters.
8 Substantial changes include:

- 9 . Deletion of detailed reporting requirements on county
10 solid waste management programs to the Department of
11 Environmental Protection.
- 12 . Counties are required to operate recycling programs that
13 recover a substantial portion of at least four of eight
14 specified items. Counties less than 100,000 population
15 must only provide residents an opportunity to recycle.
- 16 . Deletion of statutory requirements that the solid waste
17 management program be updated every three years.

18 Provisions relating to uses of the Solid Waste Management
19 Trust Fund are rewritten to specify that unless otherwise
20 specified in the General Appropriations Act, certain specified
21 percentages of the trust fund are to be used for the eligible
22 uses. (See Section 5 of the bill.)

23 Provisions of the solid waste management grant program are
24 rewritten to specify certain grant allocations:

- 25 . Up to 15 percent for competitive and innovative grants.
- 26 . Up to 35 percent for small counties for general solid
27 waste management, litter prevention and recycling.
- 28 . Up to 50 percent for waste tire grants with at least 25
29 percent of that amount to be used for small counties.

30 These changes in the solid waste grant program would begin
31 with fiscal year 2003-2004.

32 The provisions relating to a new Water Quality Improvement and
33 Water Restoration Grant Program would begin with fiscal year
34 2003-2004.

35 The change in distribution of revenues from the Solid Waste
36 Management Trust Fund to the Ecosystem Management and
37 Restoration Trust Fund would begin July 1, 2003.

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