

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Natural Resources & Environmental Protection offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

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

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

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

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this chapter or

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1 remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be
2 deposited in monthly installments into the General Revenue
3 Fund.

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

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

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

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

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

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1 due from the Revenue Sharing Trust Fund for Municipalities and
2 the Municipal Financial Assistance Trust Fund in state fiscal
3 year 1999-2000. If the total proceeds to be distributed are
4 less than the amount received in combination from the Revenue
5 Sharing Trust Fund for Municipalities and the Municipal
6 Financial Assistance Trust Fund in state fiscal year
7 1999-2000, each municipality shall receive an amount
8 proportionate to the amount it was due in state fiscal year
9 1999-2000.

10 7. Of the remaining proceeds:

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

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1 550.135. This distribution specifically is in lieu of funds
2 distributed under s. 550.135 prior to July 1, 2000.

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

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

30 d. Beginning 30 days after notice by the Office of
31 Tourism, Trade, and Economic Development to the Department of

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1 Revenue that the applicant has been certified as the
2 International Game Fish Association World Center facility
3 pursuant to s. 288.1169, and the facility is open to the
4 public, \$83,333 shall be distributed monthly, for up to 168
5 months, to the applicant. This distribution is subject to
6 reduction pursuant to s. 288.1169. A lump sum payment of
7 \$999,996 shall be made, after certification and before July 1,
8 2000.

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

11 Section 2. Section 403.705, Florida Statutes, is
12 amended to read:

13 403.705 State solid waste management program.--

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

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

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

20 (c) Investigate the present status of solid waste
21 management in the state with positive proposals for local
22 action to correct deficiencies in present solid waste
23 management processes;

24 (d) Provide planning, technical, and financial
25 assistance to local governments and state agencies for
26 reduction, recycling, reuse, and processing of solid waste and
27 for safe and environmentally sound solid waste management and
28 disposal;

29 (e) Assist in the development of solid waste reduction
30 and recycling programs to properly manage solid waste and
31 conserve resources; and

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1 (f) Provide for the education of the general public
2 and the training of solid waste management professionals to
3 reduce the production of solid waste, to ensure proper
4 processing and disposal of solid waste, and to encourage
5 recycling and solid waste reduction.

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

8 (2)~~(3)~~ The state solid waste management program shall
9 include, at a minimum:

10 (a) Procedures and requirements to ensure cooperative
11 efforts in solid waste management by counties and
12 municipalities and groups of counties and municipalities where
13 appropriate.

14 (b) Provisions for the continuation of existing
15 effective regional resource recovery, recycling, and solid
16 waste management facilities and programs.

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

20 (d) Planning guidelines and technical assistance to
21 counties and municipalities to develop and implement recycling
22 programs.

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

26 (f) Planning guidelines and technical assistance to
27 counties and municipalities to develop and implement programs
28 for alternative disposal or processing or recycling of the
29 solid wastes prohibited from disposal in landfills under s.
30 403.708(13) and for special wastes.

31 (g) A public education program, to be developed in

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1 cooperation with the Department of Education, local
2 governments, other state agencies, and business and industry
3 organizations, to inform the public of the need for and the
4 benefits of recycling of solid waste and reducing the amounts
5 of solid and hazardous waste generated and disposed of in the
6 state. The public education program shall be implemented
7 through public workshops and through the use of brochures,
8 reports, public service announcements, and other materials.

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

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

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

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

22 ~~(c) An evaluation of the development and~~
23 ~~implementation of local solid waste management programs and~~
24 ~~county and municipal recycling programs.~~

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

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

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

4 ~~(g) Recommendations to the Governor and the~~
5 ~~Legislature to improve the management and recycling of solid~~
6 ~~waste in this state.~~

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

11 Section 3. Section 403.706, Florida Statutes, is
12 amended to read:

13 403.706 Local government solid waste
14 responsibilities.--

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

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

30 (2)(a) Each county shall implement ~~initiate~~ a
31 recyclable materials recycling program. Counties and

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1 municipalities are encouraged to form cooperative arrangements
2 for implementing recycling programs. ~~The following~~
3 ~~requirements shall apply:~~

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

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

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

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

28 (3) Each county shall ensure, to the maximum extent
29 possible, that municipalities within its boundaries
30 participate in the preparation and implementation of recycling
31 and solid waste management programs through interlocal

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1 agreements pursuant to s. 163.01 or other means provided by
2 law. Nothing in a county's solid waste management or recycling
3 program shall affect the authority of a municipality to
4 franchise or otherwise provide for the collection of solid
5 waste generated within the boundaries of the municipality.

6 (4)(a) A county's solid waste management and recycling
7 programs shall be designed to provide for sufficient reduction
8 of the amount of solid waste generated within the county and
9 the municipalities within its boundaries in order to meet
10 goals for the reduction of municipal solid waste prior to the
11 final disposal or the incineration of such waste at a solid
12 waste disposal facility. The goals shall provide, at a
13 minimum, that the amount of municipal solid waste that would
14 be disposed of within the county and the municipalities within
15 its boundaries is reduced by at least 30 percent. ~~In~~
16 ~~determining whether the municipal solid waste reduction goal~~
17 ~~established by this subsection has been achieved, no more than~~
18 ~~one-half of the goal may be met with yard trash, white goods,~~
19 ~~construction and demolition debris, and tires that are removed~~
20 ~~from the total amount of municipal solid waste. However, if a~~
21 ~~county that is a special district created by chapter 67-764,~~
22 ~~Laws of Florida, demonstrates that yard trash, construction~~
23 ~~and demolition debris, white goods, and waste tires comprise~~
24 ~~more than 50 percent of the municipal solid waste generated in~~
25 ~~the county and municipalities within its boundaries, the~~
26 ~~county may meet the reduction goal established by this~~
27 ~~subsection by reducing the Class I municipal solid waste~~
28 ~~generated in the county and municipalities within its~~
29 ~~boundaries at a rate equal to the average rate Class I~~
30 ~~municipal solid waste is reduced in the 20 most populous~~
31 ~~counties, as determined by the department for the previous~~

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1 ~~reporting period. As used in this subsection, "Class F~~
2 ~~municipal solid waste" means municipal solid waste other than~~
3 ~~yard trash, construction and demolition debris, white goods,~~
4 ~~and waste tires.~~

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

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

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

21 a. The county has implemented a yard trash mulching or
22 composting program, and

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

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

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1 (d) A county with a population of 100,000 ~~75,000~~ or
2 less may provide its residents with the opportunity to recycle
3 in lieu of achieving the goal set forth in paragraph (a). For
4 the purposes of this subsection, the "opportunity to recycle"
5 means that the county:

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

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

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

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

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

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1 waste management service. The term includes yard trash but
2 does not include solid waste from industrial, mining, or
3 agricultural operations.

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

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

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

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

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

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

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1 ~~recycling;~~

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

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

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

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

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

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

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

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

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1 franchisee fail to reach an agreement within 60 days from the
2 initiation of such negotiations, the county or municipality
3 may solicit proposals from other persons to undertake curbside
4 recyclable materials collection responsibilities for the
5 county or municipality as it may require. Upon the
6 determination of the lowest responsible proposal, the county
7 or municipality may undertake, or enter into a written
8 agreement with the person who submitted the lowest responsible
9 proposal to undertake, the curbside recyclable materials
10 collection responsibilities for the county or municipality,
11 notwithstanding the exclusivity of such franchise agreement.

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

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

31 (12) It is the policy of the state that a county and

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

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

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

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

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

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

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

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

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

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

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

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1 reuse rate of 50 percent or better.

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

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

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

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

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

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

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

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

27 403.707 Permits.--

28 (15) Construction and demolition debris must be
29 separated from the solid waste stream and segregated in
30 separate locations at a solid waste disposal facility or other
31 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 deemed 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 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) Providing funding to supplement any other funds
25 provided to the Department of Agriculture and Consumer
26 Services for mosquito control. At least \$3 million of the
27 revenues deposited in the fund annually from waste tire fees
28 shall be transferred to the General Inspection Trust Fund in
29 the Department of Agriculture and Consumer Services to be used
30 for mosquito control, especially control of West Nile Virus.

31 (4) Providing funding to the Department of

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1 Transportation for litter prevention and control programs
2 coordinated by Keep Florida Beautiful, Inc.

3 (5) Providing a minimum of \$8 million for funding a
4 competitive and innovative grant program pursuant to s.
5 403.7095 for activities relating to recycling and reducing the
6 volume of municipal solid waste, including waste tires
7 requiring final disposal.

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

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

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1 whichever is less.

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

4 Section 6. Section 403.7095, Florida Statutes, is
5 amended to read:

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

8 403.7095 Solid waste management grant program.--

9 (1) The department shall develop a competitive and
10 innovative grant program for counties, municipalities, special
11 districts, and nonprofit organizations with legal
12 responsibility for the provision of solid waste management
13 services that:

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

19 (b) Demonstrate innovative processes to collect and
20 recycle or reduce materials targeted by the department and the
21 recycling industry; or

22 (c) Demonstrate effective solutions to solving solid
23 waste problems resulting from waste tires, particularly in the
24 areas of enforcement and abatement of illegal tire dumping.

25
26 Because the Legislature recognizes that input from the
27 recycling industry is essential to the success of this grant
28 program, the department shall cooperate with private-sector
29 entities to develop a process and define specific criteria for
30 allowing their participation with grant recipients.

31 (d) The department shall evaluate and prioritize the

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1 annual grant proposals and present the annual prioritized list
2 of projects to be funded to the Governor and the Legislature
3 as part of its annual budget request submitted pursuant to
4 chapter 216. Potential grant recipients are encouraged to
5 demonstrate local support for grant proposals by the
6 commitment of cash or in-kind matching funds.

7 (2) The department shall develop a consolidated grant
8 program for small counties with populations fewer than 100,000
9 with grants to be distributed equally among eligible counties.
10 Programs to be supported with the small county consolidated
11 grants include general solid waste management, litter
12 prevention and control, and recycling and education programs.

13 (3) The department shall develop a waste tire grant
14 program making grants available to all counties. The
15 department shall ensure at least 25 percent of the funding
16 available for waste tire grants is distributed equally to each
17 county with a population less than 100,000.

18 (4) From the funds made available pursuant to s.
19 403.709(5) for the grant program created by this section the
20 following distributions shall be made:

21 (a) A minimum of \$1 million for the program described
22 in subsection (1);

23 (b) A minimum of \$3 million for the program described
24 in subsection (2); and

25 (c) A minimum of \$4 million for the program described
26 in subsection (3).

27 (5) The department may adopt rules necessary to
28 administer this section, including, but not limited to, rules
29 governing timeframes for submitting grant applications,
30 criteria for prioritizing grant proposals, matching criteria,
31 maximum grant amounts, and allocation of appropriated funds

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1 based upon project and applicant size.

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

4 403.717 Waste tire and lead-acid battery
5 requirements.--

6 (1) For purposes of this section and ss. 403.718 and
7 ~~403.7185, and 403.719:~~

8 (a) "Department" means the Department of Environmental
9 Protection.

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

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

19 (d) "Waste tire" means a tire that has been removed
20 from a motor vehicle and has not been retreaded or regrooved.
21 "Waste tire" includes, but is not limited to, used tires and
22 processed tires.

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

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

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

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

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

11 (j) "Processed tire" means a tire that has been
12 treated mechanically, chemically, or thermally so that the
13 resulting material is a marketable product or is suitable for
14 proper disposal.

15 (k) "Used tire" means a waste tire which has a minimum
16 tread depth of 3/32 inch or greater and is suitable for use
17 on a motor vehicle.

18 (4) The department shall adopt rules to carry out the
19 provisions of this section and ~~s. ss. 403.718 and 403.719~~.
20 Such rules shall:

21 (a) Provide for the administration or revocation of
22 waste tire processing facility permits, including mobile
23 processor permits;

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

27 (c) Provide for the administration or revocation of
28 waste tire collection center permits, the fee for which may
29 not exceed \$250 annually.

30 (d) Set standards, including financial assurance
31 standards, for waste tire processing facilities and associated

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1 waste tire sites, waste tire collection centers, waste tire
2 collectors, and for the storage of waste tires and processed
3 tires, including storage indoors;

4 (e) The department may by rule exempt not-for-hire
5 waste tire collectors and processing facilities from financial
6 assurance requirements.

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

9 (f)~~(g)~~ Authorize the final disposal of waste tires at
10 a permitted solid waste disposal facility provided the tires
11 have been cut into sufficiently small parts to assure their
12 proper disposal; and

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

16 Section 8. Subsections (2) and (3) of section 403.718,
17 Florida Statutes, are amended to read:

18 403.718 Waste tire fees.--

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

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

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

19 Section 9. Water quality improvement and water
20 restoration grant program.--

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

31 (2) The competitive grant program shall provide for

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1 the evaluation of annual grant proposals, considering the
2 degree to which the proposed projects would protect public
3 health and the environment. Other considerations in the
4 evaluation of proposed projects shall include the degree that
5 the project would help implement plans developed pursuant to
6 the Surface Water Improvement and Management Act, other water
7 restoration plans required by law, management plans prepared
8 pursuant to s. 403.067, Florida Statutes, or other plans
9 adopted by local government for water quality improvement and
10 water restoration.

11 (3) The department shall evaluate the annual grant
12 proposals and present the annual list of projects recommended
13 to be funded to the Governor and the Legislature as part of
14 its annual budget request submitted pursuant to chapter 216,
15 Florida Statutes.

16 (4) No later than February 1 of each year water
17 quality improvement projects and water restoration projects,
18 submitted for funding through the legislative process shall be
19 submitted to the department by the appropriate fiscal
20 committees of the House and Senate. The department shall
21 review the projects for funding eligibility and must, no later
22 than March 1 of each year, provide each fiscal committee with
23 a list of projects that meet the eligibility requirements
24 under this grant program.

25 (5) The department may adopt rules necessary to
26 administer this section, including, but not limited to, rules
27 governing timeframes for submitting grant applications,
28 evaluation criteria for grant proposals, forms, matching
29 criteria, and maximum grant amounts.

30 Section 10. Sections 403.7085, 403.7165, 403.7175 and
31 403.719, Florida Statutes, are repealed.

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1 Section 11. This act shall take effect upon becoming a
2 law.

3
4

5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 1 line 2 through page 2 line 10,
8 remove: all of said lines

9

10 and insert:

11 amending s. 212.20, F.S.; providing for
12 transfer of certain sales tax proceeds to the
13 Ecosystem Management and Restoration Trust
14 Fund, rather than to the Solid Waste Management
15 Trust Fund; providing uses of such funds;
16 amending s. 403.705, F.S.; deleting the
17 requirement that the state solid waste
18 management program be updated every 3 years;
19 requiring the Department to obtain certain
20 information from the counties and to prepare
21 periodic reports; amending s. 403.706, F.S.;
22 requiring counties to implement a recyclable
23 materials recycling program; revising the
24 requirements for the counties' recycling
25 program; deleting certain notice requirements
26 relating to counties providing the opportunity
27 to recycle; modifying the provisions relating
28 to the information counties must provide to the
29 Department of Environmental Protection
30 regarding their solid waste management program
31 and recycling activities; amending s. 403.707,

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1 F.S.; providing requirements for disposal of
2 construction and demolition debris;
3 substantially rewording s. 403.709, F.S.;
4 revising uses of moneys in the Solid Waste
5 Management Trust Fund, providing funding for
6 research and training programs; providing
7 funding to the Department of Agriculture and
8 Consumer Services for mosquito control;
9 providing funding to the Department of
10 Transportation for litter prevention; providing
11 funding for a solid waste grant program
12 including recycling and waste tire reduction;
13 authorizing the department to recover funds
14 under certain circumstances; authorizing the
15 department to impose liens in certain
16 circumstances; substantially rewording s.
17 403.7095, F.S.; revising requirements and
18 procedures relating to the solid waste
19 management grant program; requiring the
20 Department of Environmental Protection to
21 evaluate and prioritize grant proposals and
22 submit a prioritized list to the Governor and
23 Legislature as part of its annual budget
24 request; providing funding for competitive and
25 innovative grants; providing funding for small
26 county grants; providing funding for waste tire
27 grants; authorizing the department to adopt
28 rules to administer the grant program; amending
29 s. 403.717, F.S.; deleting references and cross
30 references relating to the waste tire grants
31 program; amending s. 403.718, F.S.; eliminating

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1 the waste tire account within the Solid Waste
2 Management Trust Fund; creating a Water Quality
3 Improvement and Water Restoration grant program
4 to be administered by the Department of
5 Environmental Protection; specifying eligible
6 grant recipients and criteria for evaluation of
7 grant proposals; requiring the department to
8 evaluate grant proposals and submit a list to
9 the Governor and Legislature as part of its
10 annual budget request; creating a process for
11 the Department of Environmental Protection to
12 review projects submitted for funding through
13 the legislative process; authorizing the
14 department to adopt rules to administer the
15 grant program; repealing s. 403.7165, F.S.;
16 relating to the Applications Demonstration
17 Center for Resource Recovery from Solid Organic
18 Materials; repealing s. 403.7175, F.S.;
19 relating to an annual transfer from the General
20 Revenue Fund; repealing s. 403.7085, F.S.;
21 relating to the disposal of animal parts and
22 fats and certain other waste products;
23 repealing s. 403.719, F.S.; eliminating the
24 grant program for the collection, removal,
25 processing, and recycling of waste tires;
26 providing an effective date.

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