

By Representative Dockery

1 A bill to be entitled
 2 An act relating to solid waste management;
 3 amending s. 212.20, F.S.; providing for
 4 transfer of certain sales tax proceeds to the
 5 Ecosystem Management and Restoration Trust
 6 Fund, rather than to the Solid Waste Management
 7 Trust Fund; providing uses of such funds;
 8 amending s. 403.709, F.S.; revising uses of
 9 moneys in the Solid Waste Management Trust
 10 Fund, including waste tire fee revenues;
 11 deleting provisions relating to recovery of
 12 funds expended for cleanup of illegal waste
 13 tire sites; amending s. 403.7095, F.S.;
 14 revising requirements and procedures relating
 15 to the solid waste management grant program;
 16 requiring the Department of Environmental
 17 Protection to evaluate and prioritize grant
 18 proposals and submit a prioritized list to the
 19 Governor and Legislature as part of its annual
 20 budget request; authorizing the department to
 21 adopt rules to administer the grant program;
 22 amending s. 403.717, F.S.; deleting references
 23 and cross references relating to the waste tire
 24 grants program; amending s. 403.718, F.S.;
 25 eliminating the waste tire account within the
 26 Solid Waste Management Trust Fund; creating the
 27 water quality improvement and water restoration
 28 grant program to be administered by the
 29 Department of Environmental Protection;
 30 specifying eligible grant recipients and
 31 criteria for evaluation of grant proposals;

1 requiring the department to evaluate and
2 prioritize grant proposals and submit a
3 prioritized list to the Governor and
4 Legislature as part of its annual budget
5 request; authorizing the department to adopt
6 rules to administer the grant program;
7 repealing s. 403.719, F.S.; eliminating the
8 grant program for the collection, removal,
9 processing, and recycling of waste tires;
10 providing an effective date.

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

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14 Section 1. Paragraph (d) of subsection (6) of section
15 212.20, Florida Statutes, is amended to read:

16 212.20 Funds collected, disposition; additional powers
17 of department; operational expense; refund of taxes
18 adjudicated unconstitutionally collected.--

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

21 (d) The proceeds of all other taxes and fees imposed
22 pursuant to this chapter or remitted pursuant to s.

23 202.18(1)(b) and (2)(b) shall be distributed as follows:

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

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

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

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

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

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

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

7 7. Of the remaining proceeds:

8 a. Beginning July 1, 2000, and in each fiscal year
9 thereafter, the sum of \$29,915,500 shall be divided into as
10 many equal parts as there are counties in the state, and one
11 part shall be distributed to each county. The distribution
12 among the several counties shall begin each fiscal year on or
13 before January 5th and shall continue monthly for a total of 4
14 months. If a local or special law required that any moneys
15 accruing to a county in fiscal year 1999-2000 under the
16 then-existing provisions of s. 550.135 be paid directly to the
17 district school board, special district, or a municipal
18 government, such payment shall continue until such time that
19 the local or special law is amended or repealed. The state
20 covenants with holders of bonds or other instruments of
21 indebtedness issued by local governments, special districts,
22 or district school boards prior to July 1, 2000, that it is
23 not the intent of this subparagraph to adversely affect the
24 rights of those holders or relieve local governments, special
25 districts, or district school boards of the duty to meet their
26 obligations as a result of previous pledges or assignments or
27 trusts entered into which obligated funds received from the
28 distribution to county governments under then-existing s.
29 550.135. This distribution specifically is in lieu of funds
30 distributed under s. 550.135 prior to July 1, 2000.
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1 b. The department shall distribute \$166,667 monthly
2 pursuant to s. 288.1162 to each applicant that has been
3 certified as a "facility for a new professional sports
4 franchise" or a "facility for a retained professional sports
5 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
6 distributed monthly by the department to each applicant that
7 has been certified as a "facility for a retained spring
8 training franchise" pursuant to s. 288.1162; however, not more
9 than \$208,335 may be distributed monthly in the aggregate to
10 all certified facilities for a retained spring training
11 franchise. Distributions shall begin 60 days following such
12 certification and shall continue for not more than 30 years.
13 Nothing contained in this paragraph shall be construed to
14 allow an applicant certified pursuant to s. 288.1162 to
15 receive more in distributions than actually expended by the
16 applicant for the public purposes provided for in s.
17 288.1162(6). However, a certified applicant is entitled to
18 receive distributions up to the maximum amount allowable and
19 undistributed under this section for additional renovations
20 and improvements to the facility for the franchise without
21 additional certification.

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

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

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

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

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

11 (Substantial rewording of section. See
12 s. 403.709, F.S., for present text.)

13 403.709 Solid Waste Management Trust Fund; use of
14 waste tire fees.--There is created the Solid Waste Management
15 Trust Fund, to be administered by the department for the
16 purposes of:

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

23 (2) Providing funding for research and training
24 programs relating to solid waste management through the Center
25 for Solid and Hazardous Waste Management and other
26 organizations that can reasonably demonstrate the capability
27 to carry out such projects.

28 (3) Providing funding to supplement any other funds
29 provided to the Department of Agriculture and Consumer
30 Services for mosquito control. At least \$4 million of the
31 revenues deposited in the fund annually from waste tire fees

1 shall be transferred to the Operations Trust Fund in the
2 Department of Agriculture and Consumer Services to be used for
3 mosquito control, especially control of West Nile Virus.

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

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

10 Section 3. Section 403.7095, Florida Statutes, is
11 amended to read:

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

14 403.7095 Solid waste management grant program.--

15 (1) The department shall develop a competitive and
16 innovative grant program for counties, municipalities, special
17 districts, and nonprofit organizations with legal
18 responsibility for the provision of solid waste management
19 services that:

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

25 (b) Demonstrate innovative processes to collect and
26 recycle or reduce materials targeted by the department and the
27 recycling industry; or

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

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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 (2) 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. Potential grant recipients are encouraged to
11 demonstrate local support for grant proposals by the
12 commitment of cash or in-kind matching funds.

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

19 Section 4. Subsections (1) and (4) of section 403.717,
20 Florida Statutes, are amended to read:

21 403.717 Waste tire and lead-acid battery
22 requirements.--

23 (1) For purposes of this section and ss. 403.718 and,
24 ~~403.7185, and 403.719:~~

25 (a) "Department" means the Department of Environmental
26 Protection.

27 (b) "Motor vehicle" means an automobile, motorcycle,
28 truck, trailer, semitrailer, truck tractor and semitrailer
29 combination, or any other vehicle operated in this state, used
30 to transport persons or property and propelled by power other
31 than muscular power, but the term does not include traction

1 engines, road rollers, such vehicles as run only upon a track,
2 bicycles, mopeds, or farm tractors and trailers.

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

5 (d) "Waste tire" means a tire that has been removed
6 from a motor vehicle and has not been retreaded or regrooved.
7 "Waste tire" includes, but is not limited to, used tires and
8 processed tires.

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

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

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

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

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

28 (j) "Processed tire" means a tire that has been
29 treated mechanically, chemically, or thermally so that the
30 resulting material is a marketable product or is suitable for
31 proper disposal.

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

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

6 Such rules shall:

7 (a) Provide for the administration or revocation of
8 waste tire processing facility permits, including mobile
9 processor permits;

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

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

16 (d) Set standards, including financial assurance
17 standards, for waste tire processing facilities and associated
18 waste tire sites, waste tire collection centers, waste tire
19 collectors, and for the storage of waste tires and processed
20 tires, including storage indoors;

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

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

26 (f)~~(g)~~ Authorize the final disposal of waste tires at
27 a permitted solid waste disposal facility provided the tires
28 have been cut into sufficiently small parts to assure their
29 proper disposal; and

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

4 Section 5. Subsections (2) and (3) of section 403.718,
5 Florida Statutes, are amended to read:

6 403.718 Waste tire fees.--

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

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

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

8 Section 6. Water quality improvement and water
9 restoration grant program.--

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

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

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

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

12 Section 7. Section 403.719, Florida Statutes, is
13 repealed.

14 Section 8. This act shall take effect upon becoming a
15 law.

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18 HOUSE SUMMARY

19 Provides for transfer of certain sales tax proceeds to
20 the Ecosystem Management and Restoration Trust Fund, to
21 be used for water quality improvement and water
22 restoration projects, rather than to the Solid Waste
23 Management Trust Fund. Requires the Department of
24 Environmental Protection to develop and administer a
25 competitive grant program for water quality improvement
26 and water restoration projects using such revenues.
27 Revises uses of moneys in the Solid Waste Management
28 Trust Fund, and specifies use of waste tire fee revenues
29 therein to supplement Department of Agriculture and
30 Consumer Services mosquito control funding. Revises
31 requirements and procedures relating to the funding of
grant proposals under the solid waste management grant
program. Eliminates the grant program for the collection,
removal, processing, and recycling of waste tires.