

By Senator Montford

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1                                   A bill to be entitled  
2       An act relating to solid waste management; amending s.  
3       403.709, F.S.; providing for the funding of a waste  
4       tire abatement program from the Solid Waste Management  
5       Trust Fund up to a specified percentage of total  
6       funds; establishing a solid waste landfill closure  
7       account within the Solid Waste Management Trust Fund;  
8       specifying the purpose of the account; authorizing the  
9       Department of Environmental Protection to use account  
10      funds to contract with a third party for the closing  
11      and long-term care of solid waste management  
12      facilities under specified circumstances; requiring  
13      the department to deposit certain funds into the solid  
14      waste landfill closure account; authorizing the  
15      department to use funds from the account to pay for or  
16      reimburse specified expenses under certain  
17      circumstances; deleting a solid waste landfill closure  
18      account within the Solid Waste Management Trust Fund;  
19      amending s. 403.7095, F.S.; authorizing waste tire  
20      abatement programs under the small county consolidated  
21      grant program; removing the waste tire abatement  
22      program supported by the solid waste management grant  
23      program; removing distribution requirements; deleting  
24      an obsolete provision; reenacting ss. 403.413(6) (a)  
25      and 403.7032(5) (h), F.S., relating to the Florida  
26      Litter Law and recycling, respectively, to incorporate  
27      the amendments made to s. 403.7095, F.S., in  
28      references thereto; providing an effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Paragraph (e) of subsection (1) and subsection  
33 (5) of section 403.709, Florida Statutes, are amended, present  
34 subsections (2) through (4) of that section are redesignated as  
35 subsections (3) through (5), respectively, and a new subsection  
36 (2) is added to that section, to read:

37 403.709 Solid Waste Management Trust Fund; use of waste  
38 tire fees.—There is created the Solid Waste Management Trust  
39 Fund, to be administered by the department.

40 (1) From the annual revenues deposited in the trust fund,  
41 unless otherwise specified in the General Appropriations Act:

42 (e) Up to 37 percent shall be used for funding a waste tire  
43 abatement program and a solid waste management grant program  
44 pursuant to s. 403.7095 for activities relating to recycling and  
45 waste reduction, including waste tires requiring final disposal.  
46 Of the funding specified in this paragraph, no more than 5  
47 percent of the total may be used for funding the waste tire  
48 abatement program.

49 (2) Notwithstanding subsection (1), a solid waste landfill  
50 closure account is established within the Solid Waste Management  
51 Trust Fund to provide funding for the closing and long-term care  
52 of solid waste management facilities.

53 (a) The department may use funds from the account to  
54 contract with a third party for the closing and long-term care  
55 of a solid waste management facility if:

56 1. The facility has, had, or was not required to obtain a  
57 department permit to operate the facility;

58 2. The permittee, where required by permit or rule,

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59 provided proof of financial assurance for closure in the form of  
60 an insurance certificate or an alternative form of financial  
61 assurance mechanism established pursuant to s. 403.7125;

62 3. The department has ordered the facility closed or has  
63 deemed the facility abandoned;

64 4. The closure of the facility is accomplished in  
65 substantial accordance with a closure plan approved by the  
66 department; and

67 5. The department has sufficient documentation to confirm  
68 that the issuer of the insurance policy or alternative form of  
69 financial assurance will provide or reimburse the funds required  
70 to complete the closing and long-term care of the facility.

71 (b) The department shall deposit all funds received from  
72 the insurer or other parties for reimbursing the costs of  
73 closing or long-term care of the facility under this subsection  
74 into the solid waste landfill closure account.

75 (c) If the amount available under the insurance policy or  
76 alternative form of financial assurance is insufficient, or is  
77 otherwise inaccessible, to perform or complete the facility  
78 closing or long-term care under this subsection, and the  
79 department has used all such funds from the insurance policy or  
80 alternative form of financial assurance, the department may use  
81 funds from the solid waste landfill closure account to pay for  
82 or reimburse additional expenses needed for performing or  
83 completing the approved facility closure or long-term care  
84 activities.

85 ~~(5) (a) Notwithstanding subsection (1), a solid waste~~  
86 ~~landfill closure account is established within the Solid Waste~~  
87 ~~Management Trust Fund to provide funding for the closing and~~

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88 ~~long term care of solid waste management facilities. The~~  
89 ~~department may use funds from the account to contract with a~~  
90 ~~third party for the closing and long-term care of a solid waste~~  
91 ~~management facility if:~~

92 ~~1. The facility has or had a department permit to operate~~  
93 ~~the facility;~~

94 ~~2. The permittee provided proof of financial assurance for~~  
95 ~~closure in the form of an insurance certificate;~~

96 ~~3. The facility is deemed to be abandoned or was ordered to~~  
97 ~~close by the department;~~

98 ~~4. Closure is accomplished in substantial accordance with a~~  
99 ~~closure plan approved by the department; and~~

100 ~~5. The department has written documentation that the~~  
101 ~~insurance company issuing the closure insurance policy will~~  
102 ~~provide or reimburse the funds required to complete closing and~~  
103 ~~long-term care of the facility.~~

104 ~~(b) The department shall deposit the funds received from~~  
105 ~~the insurance company as reimbursement for the costs of closing~~  
106 ~~or long-term care of the facility into the solid waste landfill~~  
107 ~~closure account.~~

108 ~~(c) This subsection expires July 1, 2016.~~

109 Section 2. Section 403.7095, Florida Statutes, is amended  
110 to read:

111 403.7095 Solid waste management grant program.—

112 (1) The department shall develop a consolidated grant  
113 program for small counties having populations fewer than  
114 100,000, with grants to be distributed equally among eligible  
115 counties. Programs to be supported with the small-county  
116 consolidated grants include those for the purpose of general

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117 solid waste management, litter prevention and control, waste  
118 tire abatement, and recycling and education programs.

119 ~~(2) The department shall develop a waste tire grant program~~  
120 ~~making grants available to all counties. The department shall~~  
121 ~~ensure that at least 25 percent of the funding available for~~  
122 ~~waste tire grants is distributed equally to each county having a~~  
123 ~~population fewer than 100,000. Of the remaining funds~~  
124 ~~distributed to counties having a population of 100,000 or~~  
125 ~~greater, the department shall distribute those funds on the~~  
126 ~~basis of population.~~

127 ~~(3) From the funds made available pursuant to s.~~  
128 ~~403.709(1)(c) for the grant program created by this section, the~~  
129 ~~following distributions shall be made:~~

130 ~~(a) Up to 50 percent for the program described in~~  
131 ~~subsection (1); and~~

132 ~~(b) Up to 50 percent for the program described in~~  
133 ~~subsection (2).~~

134 (2)(4) The department may adopt rules necessary to  
135 administer this section, including, but not limited to, rules  
136 governing timeframes for submitting grant applications, criteria  
137 for prioritizing, matching criteria, maximum grant amounts, and  
138 allocation of appropriated funds based upon project and  
139 applicant size.

140 ~~(5) Notwithstanding any other provision of this section,~~  
141 ~~and for the 2014-2015 fiscal year only, the Department of~~  
142 ~~Environmental Protection shall award the sum of \$3 million in~~  
143 ~~grants equally to counties having populations of fewer than~~  
144 ~~100,000 for waste tire and litter prevention, recycling~~  
145 ~~education, and general solid waste programs. This subsection~~

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146 ~~expires July 1, 2015.~~

147 Section 3. For the purpose of incorporating the amendments  
148 made by this act to section 403.7095, Florida Statutes, in a  
149 reference thereto, paragraph (a) of subsection (6) of section  
150 403.413, Florida Statutes, is reenacted to read:

151 403.413 Florida Litter Law.—

152 (6) PENALTIES; ENFORCEMENT.—

153 (a) Any person who dumps litter in violation of subsection  
154 (4) in an amount not exceeding 15 pounds in weight or 27 cubic  
155 feet in volume and not for commercial purposes is guilty of a  
156 noncriminal infraction, punishable by a civil penalty of \$100,  
157 from which \$50 shall be deposited into the Solid Waste  
158 Management Trust Fund to be used for the solid waste management  
159 grant program pursuant to s. 403.7095. In addition, the court  
160 may require the violator to pick up litter or perform other  
161 labor commensurate with the offense committed.

162 Section 4. For the purpose of incorporating the amendments  
163 made by this act to section 403.7095, Florida Statutes, in a  
164 reference thereto, paragraph (h) of subsection (5) of section  
165 403.7032, Florida Statutes, is reenacted to read:

166 403.7032 Recycling.—

167 (5) The Department of Environmental Protection shall create  
168 the Recycling Business Assistance Center by December 1, 2010. In  
169 carrying out its duties under this subsection, the department  
170 shall consult with state agency personnel appointed to serve as  
171 economic development liaisons under s. 288.021 and seek  
172 technical assistance from Enterprise Florida, Inc., to ensure  
173 the Recycling Business Assistance Center is positioned to  
174 succeed. The purpose of the center shall be to serve as the

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175 mechanism for coordination among state agencies and the private  
176 sector in order to coordinate policy and overall strategic  
177 planning for developing new markets and expanding and enhancing  
178 existing markets for recyclable materials in this state, other  
179 states, and foreign countries. The duties of the center must  
180 include, at a minimum:

181 (h) Providing evaluation of solid waste management grants,  
182 pursuant to s. 403.7095, to reduce the flow of solid waste to  
183 disposal facilities and encourage the sustainable recovery of  
184 materials from Florida's waste stream.

185 Section 5. This act shall take effect July 1, 2016.