

By the Committee on Appropriations; and Senator Montford

576-03789-16

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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 Solid Waste  
16          Management Trust Fund to pay for or reimburse  
17          specified expenses under certain circumstances;  
18          deleting a solid waste landfill closure account within  
19          the Solid Waste Management Trust Fund; amending s.  
20          403.7095, F.S.; authorizing waste tire abatement  
21          programs under the small county consolidated grant  
22          program; removing the waste tire abatement program  
23          supported by the solid waste management grant program;  
24          removing distribution requirements; deleting an  
25          obsolete provision; reenacting ss. 403.413(6)(a) and  
26          403.7032(5)(h), F.S., relating to the Florida Litter  
27          Law and recycling, respectively, to incorporate the  
28          amendments made to s. 403.7095, F.S., in references  
29          thereto; providing effective dates.

30  
31   Be It Enacted by the Legislature of the State of Florida:  
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33 Section 1. Paragraph (e) of subsection (1) and subsection  
34 (5) of section 403.709, Florida Statutes, are amended, present  
35 subsections (2) through (4) of that section are redesignated as  
36 subsections (3) through (5), respectively, and a new subsection  
37 (2) is added to that section, to read:

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

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

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

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

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

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

59 2. The permittee, where required by permit or rule,  
60 provided proof of financial assurance for closure in the form of  
61 an insurance certificate or an alternative form of financial

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62 assurance mechanism established pursuant to s. 403.7125;

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

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

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

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

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

86 ~~(5)(a) Notwithstanding subsection (1), a solid waste~~  
87 ~~landfill closure account is established within the Solid Waste~~  
88 ~~Management Trust Fund to provide funding for the closing and~~  
89 ~~long-term care of solid waste management facilities. The~~  
90 ~~department may use funds from the account to contract with a~~

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91 ~~third party for the closing and long term care of a solid waste~~  
92 ~~management facility if:~~

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

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

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

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

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

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

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

110 Section 2. Effective upon becoming a law, section 403.7095,  
111 Florida Statutes, is amended to read:

112 403.7095 Solid waste management grant program.—

113 (1) The department shall develop a consolidated grant  
114 program for small counties having populations fewer than 110,000  
115 ~~100,000~~, with grants to be distributed equally among eligible  
116 counties. Programs to be supported with the small-county  
117 consolidated grants include those for the purpose of general  
118 solid waste management, litter prevention and control, waste  
119 tire abatement, and recycling and education programs.

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

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

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

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

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

141       ~~(5) Notwithstanding any other provision of this section,~~  
142 ~~and for the 2014-2015 fiscal year only, the Department of~~  
143 ~~Environmental Protection shall award the sum of \$3 million in~~  
144 ~~grants equally to counties having populations of fewer than~~  
145 ~~100,000 for waste tire and litter prevention, recycling~~  
146 ~~education, and general solid waste programs. This subsection~~  
147 ~~expires July 1, 2015.~~

148       Section 3. For the purpose of incorporating the amendments

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149 made by this act to section 403.7095, Florida Statutes, in a  
150 reference thereto, paragraph (a) of subsection (6) of section  
151 403.413, Florida Statutes, is reenacted to read:

152 403.413 Florida Litter Law.—

153 (6) PENALTIES; ENFORCEMENT.—

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

163 Section 4. For the purpose of incorporating the amendments  
164 made by this act to section 403.7095, Florida Statutes, in a  
165 reference thereto, paragraph (h) of subsection (5) of section  
166 403.7032, Florida Statutes, is reenacted to read:

167 403.7032 Recycling.—

168 (5) The Department of Environmental Protection shall create  
169 the Recycling Business Assistance Center by December 1, 2010. In  
170 carrying out its duties under this subsection, the department  
171 shall consult with state agency personnel appointed to serve as  
172 economic development liaisons under s. 288.021 and seek  
173 technical assistance from Enterprise Florida, Inc., to ensure  
174 the Recycling Business Assistance Center is positioned to  
175 succeed. The purpose of the center shall be to serve as the  
176 mechanism for coordination among state agencies and the private  
177 sector in order to coordinate policy and overall strategic

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178 planning for developing new markets and expanding and enhancing  
179 existing markets for recyclable materials in this state, other  
180 states, and foreign countries. The duties of the center must  
181 include, at a minimum:

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

186 Section 5. Except as otherwise expressly provided in this  
187 act and except for this section, which shall become effective  
188 upon this act becoming a law, this act shall take effect July 1,  
189 2016.

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