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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.

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

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

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

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

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

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

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

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

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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
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~~

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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~~
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

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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.

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~~

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146 ~~education, and general solid waste programs. This subsection~~
147 ~~expires July 1, 2015.~~

148 Section 3. For the purpose of incorporating the amendments
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

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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
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.