

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Rulemaking & Regulation  
2 Subcommittee

3 Representative Patronis offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove lines 749-758 and insert:

7 (b) A permit, including a general permit, issued to a  
8 solid waste management facility that is designed with a leachate  
9 control system meeting department requirements shall be issued  
10 for a term of 20 years unless the applicant requests a shorter  
11 permit term. Notwithstanding the limitations of s.  
12 403.087(6)(a), existing permit fees for a qualifying solid waste  
13 management facility shall be adjusted to the permit term  
14 authorized by this section. This paragraph applies to a  
15 qualifying solid waste management facility that applies for an  
16 operating or construction permit or renews an existing operating  
17 or construction permit on or after October 1, 2012.

18 (c) A permit, including a general permit, but not  
19 including a registration, issued to a solid waste management

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20 facility that does not have a leachate control system meeting  
21 department requirements shall be renewed for a term of 10 years,  
22 unless the applicant requests a shorter term, if the following  
23 conditions are met:

24 1. The applicant has conducted the regulated activity at  
25 the same site for which the renewal is sought for at least 4  
26 years and 6 months before the date that the permit application  
27 is received by the department; and

28 2. At the time of applying for the renewal permit:

29 a. The applicant is not subject to a notice of violation,  
30 consent order, or administrative order issued by the department  
31 for violation of an applicable law or rule;

32 b. The department has not notified the applicant that it  
33 is required to implement assessment or evaluation monitoring as  
34 a result of exceedances of applicable groundwater standards or  
35 criteria or, if applicable, the applicant is completing  
36 corrective actions in accordance with applicable department  
37 rules; and

38 c. The applicant is in compliance with the applicable  
39 financial assurance requirements.

40 (d) The department may adopt rules to administer this  
41 subsection; however, the department is not required to submit  
42 such rules to the Environmental Regulation Commission for  
43 approval. Notwithstanding the limitations of s. 403.087(6)(a),  
44 permit fee caps for solid waste management facilities shall be  
45 prorated to reflect the extended permit term authorized by this  
46 subsection.

47 Section 2. Subsection (5) is added to section 403.709,  
48 Florida Statutes, to read:

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49 403.709 Solid Waste Management Trust Fund; use of waste  
50 tire fees.—There is created the Solid Waste Management Trust  
51 Fund, to be administered by the department.

52 (5) A solid waste landfill closure account is created  
53 within the Solid Waste Management Trust Fund to provide funding  
54 for the closing and long-term care of solid waste management  
55 facilities, if:

56 (a) The facility had or has a department permit to operate  
57 the facility;

58 (b) The permittee provided proof of financial assurance  
59 for closure in the form of an insurance certificate;

60 (c) The facility has been deemed to be abandoned or has  
61 been ordered to close by the department; and

62 (d) Closure will be accomplished in substantial accordance  
63 with a closure plan approved by the department.

64

65 The department has a reasonable expectation that the insurance  
66 company issuing the closure insurance policy will provide or  
67 reimburse most or all of the funds required to complete closing  
68 and long-term care of the facility. If the insurance company  
69 reimburses the department for the costs of closing or long-term  
70 care of the facility, the department shall deposit the funds  
71 into the solid waste landfill closure account.

72 Section 3. Section 403.7125, Florida Statutes, is amended  
73 to read:

74 403.7125 Financial assurance ~~for closure.~~—

75 (1) Every owner or operator of a landfill is jointly and  
76 severally liable for the improper operation and closure of the  
77 landfill, as provided by law. As used in this section, the term

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78 "owner or operator" means any owner of record of any interest in  
79 land wherein a landfill is or has been located and any person or  
80 corporation that owns a majority interest in any other  
81 corporation that is the owner or operator of a landfill.

82 (2) The owner or operator of a landfill owned or operated  
83 by a local or state government or the Federal Government shall  
84 establish a fee, or a surcharge on existing fees or other  
85 appropriate revenue-producing mechanism, to ensure the  
86 availability of financial resources for the proper closure of  
87 the landfill. However, the disposal of solid waste by persons  
88 on their own property, as described in s. 403.707(2), is exempt  
89 from this section.

90 (a) The revenue-producing mechanism must produce revenue  
91 at a rate sufficient to generate funds to meet state and federal  
92 landfill closure requirements.

93 (b) The revenue shall be deposited in an interest-bearing  
94 escrow account to be held and administered by the owner or  
95 operator. The owner or operator shall file with the department  
96 an annual audit of the account. The audit shall be conducted by  
97 an independent certified public accountant. Failure to collect  
98 or report such revenue, except as allowed in subsection (3), is  
99 a noncriminal violation punishable by a fine of not more than  
100 \$5,000 for each offense. The owner or operator may make  
101 expenditures from the account and its accumulated interest only  
102 for the purpose of landfill closure and, if such expenditures do  
103 not deplete the fund to the detriment of eventual closure, for  
104 planning and construction of resource recovery or landfill  
105 facilities. Any moneys remaining in the account after paying  
106 for proper and complete closure, as determined by the

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107 department, shall, if the owner or operator does not operate a  
108 landfill, be deposited by the owner or operator into the general  
109 fund or the appropriate solid waste fund of the local government  
110 of jurisdiction.

111 (c) The revenue generated under this subsection and any  
112 accumulated interest thereon may be applied to the payment of,  
113 or pledged as security for, the payment of revenue bonds issued  
114 in whole or in part for the purpose of complying with state and  
115 federal landfill closure requirements. Such application or  
116 pledge may be made directly in the proceedings authorizing such  
117 bonds or in an agreement with an insurer of bonds to assure such  
118 insurer of additional security therefor.

119 (d) The provisions of s. 212.055 which relate to raising  
120 of revenues for landfill closure or long-term maintenance do not  
121 relieve a landfill owner or operator from the obligations of  
122 this section.

123 (e) The owner or operator of any landfill that had  
124 established an escrow account in accordance with this section  
125 and the conditions of its permit prior to January 1, 2007, may  
126 continue to use that escrow account to provide financial  
127 assurance for closure of that landfill, even if that landfill is  
128 not owned or operated by a local or state government or the  
129 Federal Government.

130 (3) An owner or operator of a landfill owned or operated  
131 by a local or state government or by the Federal Government may  
132 provide financial assurance to the department in lieu of the  
133 requirements of subsection (2). An owner or operator of any  
134 other landfill, or any other solid waste management facility  
135 designated by department rule, shall provide financial assurance

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136 to the department for the closure of the facility. Such  
137 financial assurance may include surety bonds, certificates of  
138 deposit, securities, letters of credit, or other documents  
139 showing that the owner or operator has sufficient financial  
140 resources to cover, at a minimum, the costs of complying with  
141 applicable closure requirements. The owner or operator shall  
142 estimate such costs to the satisfaction of the department.

143 (4) This section does not repeal, limit, or abrogate any  
144 other law authorizing local governments to fix, levy, or charge  
145 rates, fees, or charges for the purpose of complying with state  
146 and federal landfill closure requirements.

147 (5) The department shall by rule require that the owner or  
148 operator of a solid waste management facility that receives  
149 waste after October 9, 1993, and that is required by department  
150 rule to undertake corrective actions for violations of water  
151 quality standards provide financial assurance for the cost of  
152 completing such corrective actions. The same financial  
153 assurance mechanisms that are available for closure costs shall  
154 be available for costs associated with undertaking corrective  
155 actions.

156 (6)~~(5)~~ The department shall adopt rules to implement this  
157 section.

158 Section 4. This act shall take effect July 1, 2012.

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164 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 503 (2012)

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165 Remove lines 97-103 and insert:  
166 amending s. 403.707, F.S.; requiring that existing permit  
167 fees be adjusted to the permit term; providing  
168 applicability; specifying a permit term for a solid waste  
169 management facility that does not have a leachate control  
170 system meeting the requirements of the department under  
171 certain conditions; authorizing the department to adopt  
172 rules; providing that the department is not required to  
173 submit the rules to the Environmental Regulation Commission  
174 for approval; requiring that permit fee caps for solid  
175 waste management facilities be prorated to reflect the  
176 extended permit term; amending s. 403.709, F.S.; creating a  
177 solid waste landfill closure account within the Solid Waste  
178 Management Trust Fund to fund the closing and long-term  
179 care of solid waste facilities under certain circumstances;  
180 requiring that the department deposit funds that are  
181 reimbursed into the solid waste landfill closure account;  
182 amending s. 403.7125, F.S.; requiring that the department  
183 require by rule that the owner or operator of a solid waste  
184 management facility receiving waste after a specified date  
185 provide financial assurance for the cost of completing  
186 corrective action for violations of water quality  
187 standards;  
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