

Bill No. CS for SB 1390

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Hargrett moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 4, line 31,		
15			
16	insert:		
17	Section 3. Subsection (5) of section 403.707, Florida		
18	Statutes, is amended to read:		
19	403.707 Permits.--		
20	(5) The department may not issue a construction permit		
21	pursuant to this part for:		
22	(a) A new solid waste landfill within 3,000 feet of		
23	Class I surface waters.		
24	(b) <u>A new Class I municipal solid waste landfill</u>		
25	<u>facility, construction and demolition debris facility,</u>		
26	<u>waste-to-energy facility, or municipal solid waste composting</u>		
27	<u>facility located within a 5-mile radius from the perimeter of</u>		
28	<u>a county-owned and county-operated municipal solid waste</u>		
29	<u>landfill that is listed on the National Priorities List</u>		
30	<u>pursuant to the federal Comprehensive Environmental Response</u>		
31	<u>Compensation and Liability Act and that is immediately</u>		

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1 adjacent to a highway that is part of the Interstate Highway  
2 System unless it complies with the following requirements:

3 1. No active solid waste disposal activities shall  
4 take place within 500 feet of an existing residential  
5 structure unless the permit application was filed before the  
6 structure was in existence. The department may grant a  
7 variance from this setback requirement to an applicant who  
8 demonstrates that the facility is not expected to create a  
9 public nuisance or pose a significant threat to public health  
10 or the environment if the variance is granted, or who can  
11 demonstrate that compliance with the setback requirement would  
12 create a substantial hardship or would violate principles of  
13 fairness, as those terms are defined in s. 120.542.

14 2. The applicant shall provide notice to adjacent  
15 property owners that an application for the proposed facility  
16 has been filed with the department. The notice must be sent by  
17 certified mail, return receipt requested, to the mailing  
18 address shown in the local property tax roll for each person  
19 owning real property that has a common border with the  
20 property to be used for the proposed facility. The notice  
21 requirements in this subparagraph shall be applied in addition  
22 to any other notice requirements imposed by law or department  
23 rules.

24 (c) An existing Class I municipal solid waste landfill  
25 facility, construction and demolition debris facility,  
26 waste-to-energy facility, or municipal solid waste composting  
27 facility located with a 5-mile radius from the perimeter of a  
28 county-owned and county-operated municipal solid waste  
29 landfill that is listed on the National Priorities List  
30 pursuant to the federal Comprehensive Environmental Response  
31 Compensation and Liability Act and that is immediately

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1 adjacent to a highway that is part of the Interstate Highway  
2 System unless the applicant provides notice to adjacent  
3 property owners that an application for the facility has been  
4 filed with the department. The notice must be sent by  
5 certified mail, return receipt requested, to the mailing  
6 address shown in the local property tax roll for each person  
7 owning real property that has a common border with the  
8 property to be used for the facility. The notice requirements  
9 in this paragraph shall be applied in addition to any other  
10 notice requirements imposed by law or department rules.

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(Redesignate subsequent sections.)

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===== T I T L E A M E N D M E N T =====

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And the title is amended as follows:

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On page 1, line 11, after the semicolon

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insert:

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amending s. 403.707, F.S.; providing conditions

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for issuing solid waste management facility

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permits;

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