

Bill No. CS/HB 3701, 1st Eng.

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	Senate Amendment (with title amendment)		
14	On page 5, between lines 10 and 11,		
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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	<u>(a) A new solid waste landfill within 3,000 feet of</u>		
23	Class I surface waters.		
24	<u>(b) A new Class I municipal solid waste landfill</u>		
25	<u>facility, waste-to-energy facility, or municipal solid waste</u>		
26	<u>composting facility located within a 5-mile radius from the</u>		
27	<u>perimeter of a county-owned and county-operated municipal</u>		
28	<u>solid waste landfill that is listed on the National Priorities</u>		
29	<u>List pursuant to the federal Comprehensive Environmental</u>		
30	<u>Response Compensation and Liability Act and that is</u>		
31	<u>immediately adjacent to a highway that is part of the</u>		

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1 Interstate Highway System unless it complies with the
2 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, waste-to-energy facility, or municipal solid waste
26 composting facility located with a 5-mile radius from the
27 perimeter of a county-owned and county-operated municipal
28 solid waste landfill that is listed on the National Priorities
29 List pursuant to the federal Comprehensive Environmental
30 Response Compensation and Liability Act and that is
31 immediately adjacent to a highway that is part of the

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

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11 (Redesignate subsequent sections.)

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

15 And the title is amended as follows:

16 On page 1, line 11, after the semicolon

17

18 insert:

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

20 for issuing permits;

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