

By the Committee on Natural Resources and Senator Hargrett

312-1868A-98

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to solid waste management;
amending s. 403.707, F.S.; providing conditions
for issuing permits; providing an effective
date.

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

Section 1. Subsection (5) of section 403.707, Florida
Statutes, is amended to read:

403.707 Permits.--

(5) The department may not issue a construction permit
pursuant to this part for:

(a) A new solid waste landfill within 3,000 feet of
Class I surface waters.

(b) A new Class I municipal solid waste landfill
facility, waste-to-energy facility, or municipal solid waste
composting facility located within a 5-mile radius from the
perimeter of a county-owned and county-operated municipal
solid waste landfill that is listed on the National Priorities
List pursuant to the federal Comprehensive Environmental
Response Compensation and Liability Act and that is
immediately adjacent to a highway that is part of the
Interstate Highway System unless it complies with the
following requirements:

1. No active solid waste disposal activities shall
take place within 500 feet of an existing residential
structure unless the permit application was filed before the
structure was in existence. The department may grant a
variance from this setback requirement to an applicant who
demonstrates that the facility is not expected to create a

1 public nuisance or pose a significant threat to public health
2 or the environment if the variance is granted, or who can
3 demonstrate that compliance with the setback requirement would
4 create a substantial hardship or would violate principles of
5 fairness, as those terms are defined in s. 120.542.

6 2. The applicant shall provide notice to adjacent
7 property owners that an application for the proposed facility
8 has been filed with the department. The notice must be sent by
9 certified mail, return receipt requested, to the mailing
10 address shown in the local property tax roll for each person
11 owning real property that has a common border with the
12 property to be used for the proposed facility. The notice
13 requirements in this subparagraph shall be applied in addition
14 to any other notice requirements imposed by law or department
15 rules.

16 (c) An existing Class I municipal solid waste landfill
17 facility, waste-to-energy facility, or municipal solid waste
18 composting facility located with a 5-mile radius from the
19 perimeter of a county-owned and county-operated municipal
20 solid waste landfill that is listed on the National Priorities
21 List pursuant to the federal Comprehensive Environmental
22 Response Compensation and Liability Act and that is
23 immediately adjacent to a highway that is part of the
24 Interstate Highway System unless the applicant provides notice
25 to adjacent property owners that an application for the
26 facility has been filed with the department. The notice must
27 be sent by certified mail, return receipt requested, to the
28 mailing address shown in the local property tax roll for each
29 person owning real property that has a common border with the
30 property to be used for the facility. The notice requirements
31

1 in this paragraph shall be applied in addition to any other
2 notice requirements imposed by law or department rules.

3 Section 2. This act shall take effect upon becoming a
4 law.

5
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 SB 600

9 The committee substitute prohibits the Department of
10 Environmental Protection from issuing a construction permit
11 for a new Class I municipal solid waste landfill facility,
12 waste-to-energy facility, or municipal solid waste composting
13 facility located within a 5-mile radius from the perimeter of
14 a county-owned and county-operated municipal solid waste
15 landfill that is listed on the National Priorities List
16 pursuant to the federal Comprehensive Environmental Response,
17 Compensation and Liability Act (CERCLA), and that is
18 immediately adjacent to a highway that is part of the
19 Interstate Highway System unless it complies with certain
20 specified requirements. Also, the committee substitute
21 prohibits the department from issuing a construction permit
22 for an existing Class I solid waste landfill facility, a
23 waste-to-energy facility, or a composting facility located
24 within a 5-mile radius of a specified municipal solid waste
25 landfill unless the applicant provides notice to adjacent
26 property owners.
27
28
29
30
31