

Amendment No.

## CHAMBER ACTION

SenateHouse

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Representative Daley offered the following:

**Amendment (with title amendment)**

Remove lines 21-126 and insert:

(2)(a) A local government may not issue a construction permit pursuant to this section for a new solid waste disposal facility that uses an ash-producing incinerator or for a waste-to-energy facility if the proposed location of such facility is sited within a one-half mile radius of any residential property or school, as measured from the stack. This paragraph does not apply to any existing construction, current operation, or modification to such structure or operation in existence as of July 1, 2025.

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14        (b)1. A local government may not issue a construction  
15 permit pursuant to this section for the expansion of any  
16 existing landfill that is located within a 1-mile radius of any  
17 property zoned residential unless a feasibility study is  
18 conducted before the issuance of a permit to expand the existing  
19 landfill.

20        2. The feasibility study must:

21        a. Identify potential waste-to-energy technologies and  
22 processes that reduce landfill dependence and greenhouse gas  
23 emissions, including, but not limited to, anaerobic digestion,  
24 plasma arc technology, and mixed waste processing; and

25        b. Evaluate the financial costs of such technologies and  
26 processes and the benefits of local siting and government  
27 ownership.

28        3. A permit to expand an existing landfill may not be  
29 issued without a feasibility study conducted pursuant to  
30 subparagraph 2.

31        (5)-(4)-(a) In order to promote the production of renewable  
32 energy from solid waste, each megawatt-hour produced by a  
33 renewable energy facility using solid waste as a fuel shall  
34 count as 1 ton of recycled material and shall be applied toward  
35 meeting the recycling goals set forth in this section. If a  
36 county creating renewable energy from solid waste implements and  
37 maintains a program to recycle at least 50 percent of municipal  
38 solid waste by a means other than creating renewable energy,

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39 that county shall count 1.25 tons of recycled material for each  
40 megawatt-hour produced. If waste originates from a county other  
41 than the county in which the renewable energy facility resides,  
42 the originating county shall receive such recycling credit. Any  
43 byproduct resulting from the creation of renewable energy that  
44 is recycled shall count towards the county recycling goals in  
45 accordance with the methods and criteria developed pursuant to  
46 paragraph (3) (h) ~~(2) (h)~~.

47 (b) A county may receive credit for one-half of the  
48 recycling goal set forth in subsection (3) ~~(2)~~ from the use of  
49 yard trash, or other clean wood waste or paper waste, in  
50 innovative programs including, but not limited to, programs that  
51 produce alternative clean-burning fuels such as ethanol or that  
52 provide for the conversion of yard trash or other clean wood  
53 waste or paper waste to clean-burning fuel for the production of  
54 energy for use at facilities other than a waste-to-energy  
55 facility as defined in s. 403.7061. The provisions of this  
56 paragraph apply only if a county can demonstrate that:

57 1. The county has implemented a yard trash mulching or  
58 composting program, and

59 2. As part of the program, compost and mulch made from  
60 yard trash is available to the general public and in use at  
61 county-owned or maintained and municipally owned or maintained  
62 facilities in the county and state agencies operating in the  
63 county as required by this section.

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64 (c) A county with a population of 100,000 or less may  
65 provide its residents with the opportunity to recycle in lieu of  
66 achieving the goal set forth in this section. For the purposes  
67 of this section, the "opportunity to recycle" means that the  
68 county:

69 1.a. Provides a system for separating and collecting  
70 recyclable materials prior to disposal that is located at a  
71 solid waste management facility or solid waste disposal area; or

72 b. Provides a system of places within the county for  
73 collection of source-separated recyclable materials.

74 2. Provides a public education and promotion program that  
75 is conducted to inform its residents of the opportunity to  
76 recycle, encourages source separation of recyclable materials,  
77 and promotes the benefits of reducing, reusing, recycling, and  
78 composting materials.

79 ~~(7) (6)~~ The department may reduce or modify the municipal  
80 solid waste recycling goal that a county is required to achieve  
81 pursuant to subsection (3) ~~(2)~~ if the county demonstrates to the  
82 department that:

83 (a) The achievement of the goal set forth in subsection  
84 (3) ~~(2)~~ would have an adverse effect on the financial  
85 obligations of a county that are directly related to a waste-to-  
86 energy facility owned or operated by or on behalf of the county;  
87 and

88 (b) The county cannot remove normally combustible

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89 materials from solid waste that is to be processed at a waste-  
90 to-energy facility because of the need to maintain a sufficient  
91 amount of solid waste to ensure the financial viability of the  
92 facility.

93  
94 The goal shall not be waived entirely and may only be reduced or  
95 modified to the extent necessary to alleviate the adverse  
96 effects of achieving the goal on the financial viability of a  
97 county's waste-to-energy facility. Nothing in this subsection  
98 shall exempt a county from developing and implementing a  
99 recycling program pursuant to this act.

100 ~~(21)(20)~~ In addition to any other penalties provided by  
101 law, a local government that does not comply with the  
102 requirements of subsections (3) ~~(2)~~ and (5) ~~(4)~~ shall not be  
103 eligible for grants from the Solid Waste Management Trust Fund,  
104 and the department may notify the Chief Financial Officer to  
105 withhold payment of all or a portion of funds payable to the  
106 local government by the department from the General Revenue Fund  
107 or by the department from any other state fund, to the extent  
108 not pledged to retire bonded indebtedness, unless the local  
109 government demonstrates that good faith efforts to meet the  
110 requirements of subsections (3) ~~(2)~~ and (5) ~~(4)~~ have been made  
111 or that the funds are being or will be used to finance the  
112 correction of a pollution control problem that spans  
113 jurisdictional boundaries.

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**Section 2. Present subsections (6) through (14) of section 403.707, Florida Statutes, are redesignated as subsections (7) through (15), respectively, and a new subsection (6) is added to that section, to read:**

403.707 Permits.—

(6) (a) The department may not issue a construction permit pursuant to this section for a new solid waste disposal facility that uses an ash-producing incinerator or for a waste-to-energy facility if the proposed location of such facility is sited within a one-half mile radius of any residential property or school, as measured from the stack. This paragraph does not apply to any existing construction, current operation, or modification to such structure or operation in existence as of July 1, 2025.

(b) 1. The department may not issue a construction permit pursuant to this section for the expansion of any existing landfill that is located within a 1-mile radius of any property zoned residential unless a feasibility study is conducted before the issuance of a permit to expand the existing landfill.

2. The feasibility study must:

a. Identify potential waste-to-energy technologies and processes that reduce landfill dependence and greenhouse gas emissions, including, but not limited to, anaerobic digestion, plasma arc technology, and mixed waste processing; and

b. Evaluate the financial costs of such technologies and

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139 processes and the benefits of local siting and government  
140 ownership.

141 3. A permit to expand an existing landfill may not be  
142 issued without a feasibility study conducted pursuant to  
143 subparagraph 2.

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147 **T I T L E   A M E N D M E N T**

148 Remove lines 5-8 and insert:

149 Protection, respectively, from issuing construction  
150 permits for certain new solid waste disposal  
151 facilities or waste-to-energy facilities in specified  
152 areas or for the expansion of certain landfills  
153 located in specified areas; providing applicability  
154 for such solid waste disposal facilities and waste-to-  
155 energy facilities; requiring specified feasibility  
156 studies for such landfills before issuance of such  
157 permits; prohibiting expansion of such landfills  
158 without such studies; conforming cross-references;

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