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LEGISLATIVE ACTION

Senate

House

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Floor: WD

04/30/2025 07:14 PM

Senator Martin moved the following:

1 **Senate Amendment to Amendment (413632) (with title**
2 **amendment)**

3
4 Delete lines 125 - 297

5 and insert:

6 (3) A county with a population of at least 2 million, or a
7 municipality located in such county, may not issue a
8 construction permit pursuant to this section for the expansion
9 of any existing landfill that is located within a 1-mile radius
10 of any property zoned residential unless a feasibility study is
11 conducted before the permit is issued.



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(a) The feasibility study must do all of the following:

1. Identify potential alternatives to expanding the landfill, such as waste-to-energy technology and processes that may be used to reduce greenhouse gas emissions and dependence on landfills, including, but not limited to, anaerobic digestion, plasma arc technology, and mixed waste processing.

2. Evaluate the financial costs of using such technologies and processes and the benefits of local sitting and government ownership.

3. Evaluate the technical feasibility of expansion, considering engineering requirements, infrastructure needs, technological advancements, and regulatory compliance.

4. Evaluate relevant and appropriate data and analysis, from professionally accepted sources, such as surveys, studies, and community goals and vision, used in preparation of the comprehensive plan.

5. Identify and evaluate potential risks and challenges associated with the project.

(b) Such county or municipality must hold a public meeting to review and discuss the results of the feasibility study conducted under paragraph (a) and provide a rationale for the necessity of the expansion.

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



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41 solid waste by a means other than creating renewable energy,
42 that county shall count 1.25 tons of recycled material for each
43 megawatt-hour produced. If waste originates from a county other
44 than the county in which the renewable energy facility resides,
45 the originating county shall receive such recycling credit. Any
46 byproduct resulting from the creation of renewable energy that
47 is recycled shall count towards the county recycling goals in
48 accordance with the methods and criteria developed pursuant to
49 paragraph (4) (h) ~~(2) (h)~~.

50 (b) A county may receive credit for one-half of the
51 recycling goal set forth in subsection (4) ~~(2)~~ from the use of
52 yard trash, or other clean wood waste or paper waste, in
53 innovative programs including, but not limited to, programs that
54 produce alternative clean-burning fuels such as ethanol or that
55 provide for the conversion of yard trash or other clean wood
56 waste or paper waste to clean-burning fuel for the production of
57 energy for use at facilities other than a waste-to-energy
58 facility as defined in s. 403.7061. The provisions of this
59 paragraph apply only if a county can demonstrate that:

60 1. The county has implemented a yard trash mulching or
61 composting program, and

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

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



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of this section, the "opportunity to recycle" means that the county:

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

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

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

(8) ~~(6)~~ The department may reduce or modify the municipal solid waste recycling goal that a county is required to achieve pursuant to subsection (4) ~~(2)~~ if the county demonstrates to the department that:

(a) The achievement of the goal set forth in subsection (4) ~~(2)~~ would have an adverse effect on the financial obligations of a county that are directly related to a waste-to-energy facility owned or operated by or on behalf of the county; and

(b) The county cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.

The goal shall not be waived entirely and may only be reduced or modified to the extent necessary to alleviate the adverse effects of achieving the goal on the financial viability of a county's waste-to-energy facility. Nothing in this subsection



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shall exempt a county from developing and implementing a recycling program pursuant to this act.

~~(9)(7)~~ In order to assess the progress in meeting the goal set forth in subsection (4) ~~(2)~~, each county shall, by April 1 each year, provide information to the department regarding its annual solid waste management program and recycling activities.

(a) The information submitted to the department by the county must, at a minimum, include:

1. The amount of municipal solid waste disposed of at solid waste disposal facilities, by type of waste such as yard trash, white goods, clean debris, tires, and unseparated solid waste;

2. The amount and type of materials from the municipal solid waste stream that were recycled; and

3. The percentage of the population participating in various types of recycling activities instituted.

(b) Beginning with the data for the 2012 calendar year, the department shall by July 1 each year post on its website the recycling rates of each county for the prior calendar year.

~~(22)(20)~~ In addition to any other penalties provided by law, a local government that does not comply with the requirements of subsections (4) and (6) ~~is (2) and (4)~~ shall not be eligible for grants from the Solid Waste Management Trust Fund, and the department may notify the Chief Financial Officer to withhold payment of all or a portion of funds payable to the local government by the department from the General Revenue Fund or by the department from any other state fund, to the extent not pledged to retire bonded indebtedness, unless the local government demonstrates that good faith efforts to meet the requirements of subsections (4) and (6) ~~(2) and (4)~~ have been



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made or that the funds are being or will be used to finance the correction of a pollution control problem that spans jurisdictional boundaries.

Section 4. Present subsections (6) through (14) of section 403.707, Florida Statutes, are redesignated as subsections (7) through (15), respectively, a new subsection (6) is added to that section, and paragraph (j) of present subsection (9) of that section is amended, to read:

403.707 Permits.—

(6) 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 1-mile radius of any school or any property zoned for residential use within that same county which has a density of one or more dwelling units per acre. The 1-mile radius must be measured from the stack of the facility. This subsection applies only to a county as defined in s. 125.011(1).

(10)~~(9)~~ The department shall establish a separate category

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

And the title is amended as follows:

Delete lines 385 - 403

and insert:

counties; providing applicability; prohibiting certain local governments from issuing a permit for the expansion of certain existing landfills unless a feasibility study is conducted; specifying requirements for the feasibility study; requiring the



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157 local government to review and discuss at a certain
158 meeting the results of the feasibility study and
159 provide a rationale for expanding the landfill;
160 amending s. 403.707, F.S.; prohibiting the Department
161 of Environmental Protection from issuing a
162 construction permit for certain solid waste disposal
163 facilities in certain counties; providing
164 applicability; conforming a provision to changes made
165 by