

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Bartleman offered the following:

Amendment to Amendment (413632) (with title amendment)

Remove lines 122-264 of the amendment and insert:

one or more dwelling units per acre or within 1 mile of any impoundment areas authorized by the Congress of the United States with an effective interior capacity of 800 acres or more for purposes of capturing, storing, and distributing surface water. 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).

(3) A local government may not issue a construction permit pursuant to this section for the expansion of any existing

601513

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Amendment No.

14 landfill that was permitted on or before December 2, 1970, the
15 date on which the United States Environmental Protection Agency
16 was established, and that is located within a 1-mile radius of
17 any property zoned residential unless the entirety of the site
18 is remediated and compliant with the department's environmental
19 standards.

20 (a) A feasibility study must be conducted before the
21 issuance of a permit to expand the existing landfill. The
22 feasibility study must do all of the following:

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

27 2. Evaluate the financial costs of using such technologies
28 and processes and the benefits of local siting and government
29 ownership.

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

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

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

601513

Approved For Filing: 5/1/2025 11:24:32 AM

Amendment No.

39 (b) The local government shall review and discuss in a
40 public meeting the results of the feasibility study and provide
41 a rationale for expanding the landfill.

42 ~~(6) (a) (4) (a)~~ In order to promote the production of
43 renewable energy from solid waste, each megawatt-hour produced
44 by a renewable energy facility using solid waste as a fuel shall
45 count as 1 ton of recycled material and shall be applied toward
46 meeting the recycling goals set forth in this section. If a
47 county creating renewable energy from solid waste implements and
48 maintains a program to recycle at least 50 percent of municipal
49 solid waste by a means other than creating renewable energy,
50 that county shall count 1.25 tons of recycled material for each
51 megawatt-hour produced. If waste originates from a county other
52 than the county in which the renewable energy facility resides,
53 the originating county shall receive such recycling credit. Any
54 byproduct resulting from the creation of renewable energy that
55 is recycled shall count towards the county recycling goals in
56 accordance with the methods and criteria developed pursuant to
57 paragraph (4) (h) ~~(2) (h)~~.

58 (b) A county may receive credit for one-half of the
59 recycling goal set forth in subsection (4) ~~(2)~~ from the use of
60 yard trash, or other clean wood waste or paper waste, in
61 innovative programs including, but not limited to, programs that
62 produce alternative clean-burning fuels such as ethanol or that
63 provide for the conversion of yard trash or other clean wood

601513

Approved For Filing: 5/1/2025 11:24:32 AM

Amendment No.

64 waste or paper waste to clean-burning fuel for the production of
65 energy for use at facilities other than a waste-to-energy
66 facility as defined in s. 403.7061. The provisions of this
67 paragraph apply only if a county can demonstrate that:

68 1. The county has implemented a yard trash mulching or
69 composting program, and

70 2. As part of the program, compost and mulch made from
71 yard trash is available to the general public and in use at
72 county-owned or maintained and municipally owned or maintained
73 facilities in the county and state agencies operating in the
74 county as required by this section.

75 (c) A county with a population of 100,000 or less may
76 provide its residents with the opportunity to recycle in lieu of
77 achieving the goal set forth in this section. For the purposes
78 of this section, the "opportunity to recycle" means that the
79 county:

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

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

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

601513

Approved For Filing: 5/1/2025 11:24:32 AM

Amendment No.

89 composting materials.

90 ~~(8)(6)~~ The department may reduce or modify the municipal
91 solid waste recycling goal that a county is required to achieve
92 pursuant to subsection (4) ~~(2)~~ if the county demonstrates to the
93 department that:

94 (a) The achievement of the goal set forth in subsection
95 (4) ~~(2)~~ would have an adverse effect on the financial
96 obligations of a county that are directly related to a waste-to-
97 energy facility owned or operated by or on behalf of the county;
98 and

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

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105 The goal shall not be waived entirely and may only be reduced or
106 modified to the extent necessary to alleviate the adverse
107 effects of achieving the goal on the financial viability of a
108 county's waste-to-energy facility. Nothing in this subsection
109 shall exempt a county from developing and implementing a
110 recycling program pursuant to this act.

111 ~~(9)(7)~~ In order to assess the progress in meeting the goal
112 set forth in subsection (4) ~~(2)~~, each county shall, by April 1
113 each year, provide information to the department regarding its

601513

Approved For Filing: 5/1/2025 11:24:32 AM

Amendment No.

114 annual solid waste management program and recycling activities.

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

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

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

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

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

128 ~~(22)-(20)~~ In addition to any other penalties provided by
129 law, a local government that does not comply with the
130 requirements of subsections (4) and (6) is ~~(2)~~ and ~~(4)~~ shall not
131 be eligible for grants from the Solid Waste Management Trust
132 Fund, and the department may notify the Chief Financial Officer
133 to withhold payment of all or a portion of funds payable to the
134 local government by the department from the General Revenue Fund
135 or by the department from any other state fund, to the extent
136 not pledged to retire bonded indebtedness, unless the local
137 government demonstrates that good faith efforts to meet the
138 requirements of subsections (4) and (6) ~~(2)~~ and ~~(4)~~ have been

601513

Approved For Filing: 5/1/2025 11:24:32 AM

Amendment No.

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

142 **Section 4. Present subsections (6) through (14) of section**
143 **403.707, Florida Statutes, are redesignated as subsections (8)**
144 **through (16), respectively, new subsections (6) and (7) are**
145 **added to that section, and paragraph (j) of present subsection**
146 **(9) of that section is amended, to read:**

147 403.707 Permits.—

148 (6) The department may not issue a construction permit
149 pursuant to this section for a new solid waste disposal facility
150 that uses an ash-producing incinerator or for a waste-to-energy
151 facility, if the proposed location of such facility is sited
152 within a 1-mile radius of any school or any property zoned for
153 residential use within that same county which has a density of
154 one or more dwelling units per acre or within 1 mile of any
155 impoundment areas authorized by the Congress of the United
156 States with an effective interior capacity of 800 acres or more
157 for purposes of capturing, storing, and distributing surface
158 water. The 1-mile radius must be

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161 **T I T L E A M E N D M E N T**

162 Remove lines 385-395 of the amendment and insert:

601513

Approved For Filing: 5/1/2025 11:24:32 AM

Amendment No.

163 counties and areas; providing applicability;
164 prohibiting a local government from issuing a permit
165 for the expansion of certain existing landfills unless
166 a feasibility study is conducted; specifying
167 requirements for the feasibility study; requiring the
168 local government to review and discuss at a certain
169 meeting the results of the feasibility study and
170 provide a rationale for expanding the landfill;
171 amending s. 403.707, F.S.; prohibiting the Department
172 of Environmental Protection from issuing a
173 construction permit for certain solid waste disposal
174 facilities in certain counties and areas;

601513

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