

Amendment No.

## CHAMBER ACTION

SenateHouse

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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

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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.

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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

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

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

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

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

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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.

104  
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

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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

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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 (8) through (16), respectively, new subsections (6) and (7) are 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 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

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**T I T L E   A M E N D M E N T**

Remove lines 385-395 of the amendment and insert:

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counties and areas; providing applicability;  
prohibiting a local government 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  
local government to review and discuss at a certain  
meeting the results of the feasibility study and  
provide a rationale for expanding the landfill;  
amending s. 403.707, F.S.; prohibiting the Department  
of Environmental Protection from issuing a  
construction permit for certain solid waste disposal  
facilities in certain counties and areas;

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