

1                   A bill to be entitled  
2           An act relating to waste incineration; amending ss.  
3           403.706 and 403.707, F.S.; prohibiting a local  
4           government or the Department of Environmental  
5           Protection, respectively, from issuing a construction  
6           permit for a certain new solid waste disposal facility  
7           or a waste-to-energy facility in specified areas;  
8           providing applicability; conforming cross-references;  
9           amending ss. 403.703, 403.7049, and 403.705, F.S.;  
10          conforming cross-references; providing an effective  
11          date.

12  
13   Be It Enacted by the Legislature of the State of Florida:

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15           **Section 1. Present subsections (2) through (23) of section**  
16 **403.706, Florida Statutes, are redesignated as subsections (3)**  
17 **through (24), respectively, and present subsections (4), (6),**  
18 **(7), and (20) are amended, and a new subsection (2) is added to**  
19 **that section, to read:**

20           403.706 Local government solid waste responsibilities.—

21           (2) A local government may not issue a construction permit  
22 pursuant to this section for a new solid waste disposal facility  
23 that uses an ash-producing incinerator or for a waste-to-energy  
24 facility, if the proposed location of such facility is sited  
25 within a one-half mile radius of any residential property or

26 | school, as measured from the stack. This subsection does not  
27 | apply to any existing construction, current operation, or  
28 | modification to such structure or operation in existence as of  
29 | July 1, 2025.

30 |       ~~(5)(4)~~(a) In order to promote the production of renewable  
31 | energy from solid waste, each megawatt-hour produced by a  
32 | renewable energy facility using solid waste as a fuel shall  
33 | count as 1 ton of recycled material and shall be applied toward  
34 | meeting the recycling goals set forth in this section. If a  
35 | county creating renewable energy from solid waste implements and  
36 | maintains a program to recycle at least 50 percent of municipal  
37 | solid waste by a means other than creating renewable energy,  
38 | that county shall count 1.25 tons of recycled material for each  
39 | megawatt-hour produced. If waste originates from a county other  
40 | than the county in which the renewable energy facility resides,  
41 | the originating county shall receive such recycling credit. Any  
42 | byproduct resulting from the creation of renewable energy that  
43 | is recycled shall count towards the county recycling goals in  
44 | accordance with the methods and criteria developed pursuant to  
45 | paragraph (3)(h) ~~(2)(h)~~.

46 |       (b) A county may receive credit for one-half of the  
47 | recycling goal set forth in subsection (3) ~~(2)~~ from the use of  
48 | yard trash, or other clean wood waste or paper waste, in  
49 | innovative programs including, but not limited to, programs that  
50 | produce alternative clean-burning fuels such as ethanol or that

51 provide for the conversion of yard trash or other clean wood  
52 waste or paper waste to clean-burning fuel for the production of  
53 energy for use at facilities other than a waste-to-energy  
54 facility as defined in s. 403.7061. The provisions of this  
55 paragraph apply only if a county can demonstrate that:

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

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

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

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

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

73 2. Provides a public education and promotion program that  
74 is conducted to inform its residents of the opportunity to  
75 recycle, encourages source separation of recyclable materials,

76 and promotes the benefits of reducing, reusing, recycling, and  
77 composting materials.

78 (7)~~(6)~~ The department may reduce or modify the municipal  
79 solid waste recycling goal that a county is required to achieve  
80 pursuant to subsection (3) ~~(2)~~ if the county demonstrates to the  
81 department that:

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

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

92  
93 The goal shall not be waived entirely and may only be reduced or  
94 modified to the extent necessary to alleviate the adverse  
95 effects of achieving the goal on the financial viability of a  
96 county's waste-to-energy facility. Nothing in this subsection  
97 shall exempt a county from developing and implementing a  
98 recycling program pursuant to this act.

99 (21)~~(20)~~ In addition to any other penalties provided by  
100 law, a local government that does not comply with the

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

113 **Section 2. Present subsections (6) through (14) of section**  
114 **403.707, Florida Statutes, are redesignated as subsections (7)**  
115 **through (15), respectively, and a new subsection (6) is added to**  
116 **that section, to read:**

117 403.707 Permits.—

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

126 July 1, 2025.

127 **Section 3. Subsections (6), (7), and (21) of section**  
 128 **403.703, Florida Statutes, are amended to read:**

129 403.703 Definitions.—As used in this part, the term:

130 (6) "Construction and demolition debris" means discarded  
 131 materials generally considered to be not water-soluble and  
 132 nonhazardous in nature, including, but not limited to, steel,  
 133 glass, brick, concrete, asphalt roofing material, pipe, gypsum  
 134 wallboard, and lumber, from the construction or destruction of a  
 135 structure as part of a construction or demolition project or  
 136 from the renovation of a structure, and includes rocks, soils,  
 137 tree remains, trees, and other vegetative matter that normally  
 138 results from land clearing or land development operations for a  
 139 construction project, including such debris from construction of  
 140 structures at a site remote from the construction or demolition  
 141 project site. Mixing of construction and demolition debris with  
 142 other types of solid waste will cause the resulting mixture to  
 143 be classified as other than construction and demolition debris.

144 The term also includes:

145 (a) Clean cardboard, paper, plastic, wood, and metal  
 146 scraps from a construction project;

147 (b) Except as provided in s. 403.707(10)(j) ~~s.~~  
 148 ~~403.707(9)(j)~~, yard trash and unpainted, nontreated wood scraps  
 149 and wood pallets from sources other than construction or  
 150 demolition projects;

151 (c) Scrap from manufacturing facilities which is the type  
152 of material generally used in construction projects and which  
153 would meet the definition of construction and demolition debris  
154 if it were generated as part of a construction or demolition  
155 project. This includes debris from the construction of  
156 manufactured homes and scrap shingles, wallboard, siding  
157 concrete, and similar materials from industrial or commercial  
158 facilities; and

159 (d) De minimis amounts of other nonhazardous wastes that  
160 are generated at construction or destruction projects, provided  
161 such amounts are consistent with best management practices of  
162 the industry.

163 (7) "County," or any like term, means a political  
164 subdivision of the state established pursuant to s. 1, Art. VIII  
165 of the State Constitution and, when s. 403.706(20) ~~s.~~  
166 ~~403.706(19)~~ applies, means a special district or other entity.

167 (21) "Municipality," or any like term, means a  
168 municipality created pursuant to general or special law  
169 authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of  
170 the State Constitution and, when s. 403.706(20) ~~s. 403.706(19)~~  
171 applies, means a special district or other entity.

172 **Section 4. Subsection (5) of section 403.7049, Florida**  
173 **Statutes, is amended to read:**

174 403.7049 Determination of full cost for solid waste  
175 management; local solid waste management fees.—

176 (5) In order to assist in achieving the municipal solid  
177 waste reduction goal and the recycling provisions of s.  
178 403.706(3) ~~s. 403.706(2)~~, a county or a municipality which owns  
179 or operates a solid waste management facility is hereby  
180 authorized to charge solid waste disposal fees which may vary  
181 based on a number of factors, including, but not limited to, the  
182 amount, characteristics, and form of recyclable materials  
183 present in the solid waste that is brought to the county's or  
184 the municipality's facility for processing or disposal.

185 **Section 5. Paragraph (c) of subsection (2) and subsection**  
186 **(3) of section 403.705, Florida Statutes, are amended to read:**

187 403.705 State solid waste management program.—

188 (2) The state solid waste management program shall  
189 include, at a minimum:

190 (c) Planning guidelines and technical assistance to  
191 counties and municipalities to aid in meeting the municipal  
192 solid waste recycling goals established in s. 403.706(3) ~~s.~~  
193 ~~403.706(2)~~.

194 (3) The department shall evaluate and report biennially to  
195 the President of the Senate and the Speaker of the House of  
196 Representatives on the state's success in meeting the solid  
197 waste recycling goal as described in s. 403.706(3) ~~s.~~  
198 ~~403.706(2)~~.

199 **Section 6.** This act shall take effect July 1, 2025.