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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
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The Committee on Community Affairs (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 34 - 109

and insert:

(7)~~(6)~~ "Construction and demolition debris" means discarded materials generally considered to be not water-soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction of a structure as part of a construction or demolition project or



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11 from the renovation of a structure, and includes rocks, soils,
12 tree remains, trees, and other vegetative matter that normally
13 results from land clearing or land development operations for a
14 construction project, including such debris from construction of
15 structures at a site remote from the construction or demolition
16 project site. Mixing of construction and demolition debris with
17 other types of solid waste will cause the resulting mixture to
18 be classified as other than construction and demolition debris.
19 The term also includes:

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

22 (b) Except as provided in s. 403.707(10)(j) ~~s.~~
23 ~~403.707(9)(j)~~, yard trash and unpainted, nontreated wood scraps
24 and wood pallets from sources other than construction or
25 demolition projects;

26 (c) Scrap from manufacturing facilities which is the type
27 of material generally used in construction projects and which
28 would meet the definition of construction and demolition debris
29 if it were generated as part of a construction or demolition
30 project. This includes debris from the construction of
31 manufactured homes and scrap shingles, wallboard, siding
32 concrete, and similar materials from industrial or commercial
33 facilities; and

34 (d) De minimis amounts of other nonhazardous wastes that
35 are generated at construction or destruction projects, provided
36 such amounts are consistent with best management practices of
37 the industry.

38 (8)(7) "County," or any like term, means a political
39 subdivision of the state established pursuant to s. 1, Art. VIII



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40 of the State Constitution and, when s. 403.706(20) ~~s.~~
41 ~~403.706(19)~~ applies, means a special district or other entity.

42 (22)~~(21)~~ "Municipality," or any like term, means a
43 municipality created pursuant to general or special law
44 authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of
45 the State Constitution and, when s. 403.706(20) ~~s. 403.706(19)~~
46 applies, means a special district or other entity.

47 (36)~~(35)~~ "Solid waste" means sludge unregulated under the
48 federal Clean Water Act or Clean Air Act, sludge from a waste
49 treatment works, water supply treatment plant, or air pollution
50 control facility, or garbage, rubbish, refuse, special waste, or
51 other discarded material, including solid, liquid, semisolid, or
52 contained gaseous material resulting from domestic, industrial,
53 commercial, mining, agricultural, or governmental operations.
54 Recovered materials as defined in subsection (29) ~~(28)~~ and post-
55 use polymers as defined in subsection (25) ~~(24)~~ are not solid
56 waste.

57 Section 2. Section 403.7033, Florida Statutes, is amended
58 to read:

59 403.7033 Preemption of regulation for auxiliary containers
60 ~~Departmental analysis of particular recyclable materials. The~~
61 ~~Legislature finds that prudent regulation of recyclable~~
62 ~~materials is crucial to the ongoing welfare of Florida's ecology~~
63 ~~and economy. As such, the Department of Environmental Protection~~
64 ~~shall review and update its 2010 report on retail bags analyzing~~
65 ~~the need for new or different regulation of auxiliary~~
66 ~~containers, wrappings, or disposable plastic bags used by~~
67 ~~consumers to carry products from retail establishments. The~~
68 ~~updated report must include input from state and local~~



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69 ~~government agencies, stakeholders, private businesses, and~~
70 ~~citizens and must evaluate the efficacy and necessity of both~~
71 ~~statewide and local regulation of these materials. To ensure~~
72 ~~consistent and effective implementation, the department shall~~
73 ~~submit the updated report with conclusions and recommendations~~
74 ~~to the Legislature no later than December 31, 2021. Until such~~
75 ~~time that the Legislature adopts the recommendations of the~~
76 ~~department,~~ A local government, local governmental agency, or
77 state governmental agency may not enact any rule, regulation, or
78 ordinance regarding the use, disposition, sale, prohibition,
79 restriction, or tax of ~~such~~ auxiliary containers. The regulation
80 of auxiliary containers is expressly preempted to the state,
81 ~~wrappings, or disposable plastic bags.~~

82 Section 3. Present subsections (2) through (23) of section
83 403.706, Florida Statutes, are redesignated as subsections (3)
84 through (24), respectively, a new subsection (2) is added to
85 that section, and present subsections (4), (6), (7), and (20) of
86 that section are amended, to read:

87 403.706 Local government solid waste responsibilities.-

88 (2) A local government may not issue a construction permit
89 pursuant to this section for a new solid waste disposal facility
90 that uses an ash-producing incinerator or for a waste-to-energy
91 facility, if the proposed location of such facility is sited
92 within a one mile radius of any school or any property zoned for
93 residential use which has a density of one or more dwelling
94 units per acre. The one-mile radius must be measured from the
95 stack of the facility. This subsection applies only to a county
96 as defined in s. 125.011(1).

97 (5) (a)-(4) (a) In order to promote the production of



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98 renewable energy from solid waste, each megawatt-hour produced
99 by a renewable energy facility using solid waste as a fuel shall
100 count as 1 ton of recycled material and shall be applied toward
101 meeting the recycling goals set forth in this section. If a
102 county creating renewable energy from solid waste implements and
103 maintains a program to recycle at least 50 percent of municipal
104 solid waste by a means other than creating renewable energy,
105 that county shall count 1.25 tons of recycled material for each
106 megawatt-hour produced. If waste originates from a county other
107 than the county in which the renewable energy facility resides,
108 the originating county shall receive such recycling credit. Any
109 byproduct resulting from the creation of renewable energy that
110 is recycled shall count towards the county recycling goals in
111 accordance with the methods and criteria developed pursuant to
112 paragraph (3) (h) ~~(2) (h)~~.

113 (b) A county may receive credit for one-half of the
114 recycling goal set forth in subsection (3) ~~(2)~~ from the use of
115 yard trash, or other clean wood waste or paper waste, in
116 innovative programs including, but not limited to, programs that
117 produce alternative clean-burning fuels such as ethanol or that
118 provide for the conversion of yard trash or other clean wood
119 waste or paper waste to clean-burning fuel for the production of
120 energy for use at facilities other than a waste-to-energy
121 facility as defined in s. 403.7061. The provisions of this
122 paragraph apply only if a county can demonstrate that:

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

125 2. As part of the program, compost and mulch made from yard
126 trash is available to the general public and in use at county-



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127 owned or maintained and municipally owned or maintained
128 facilities in the county and state agencies operating in the
129 county as required by this section.

130 (c) A county with a population of 100,000 or less may
131 provide its residents with the opportunity to recycle in lieu of
132 achieving the goal set forth in this section. For the purposes
133 of this section, the "opportunity to recycle" means that the
134 county:

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

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

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

145 ~~(7)~~~~(6)~~ The department may reduce or modify the municipal
146 solid waste recycling goal that a county is required to achieve
147 pursuant to subsection (3) ~~(2)~~ if the county demonstrates to the
148 department that:

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

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



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156 solid waste to ensure the financial viability of the facility.

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158 The goal shall not be waived entirely and may only be reduced or
159 modified to the extent necessary to alleviate the adverse
160 effects of achieving the goal on the financial viability of a
161 county's waste-to-energy facility. Nothing in this subsection
162 shall exempt a county from developing and implementing a
163 recycling program pursuant to this act.

164 ~~(8)-(7)~~ In order to assess the progress in meeting the goal
165 set forth in subsection ~~(3) -(2)~~, each county shall, by April 1
166 each year, provide information to the department regarding its
167 annual solid waste management program and recycling activities.

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

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

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

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

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

180 ~~(21)-(20)~~ In addition to any other penalties provided by
181 law, a local government that does not comply with the
182 requirements of subsections (3) and (5) ~~is -(2) and -(4)~~ shall not
183 be eligible for grants from the Solid Waste Management Trust
184 Fund, and the department may notify the Chief Financial Officer



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185 to withhold payment of all or a portion of funds payable to the
186 local government by the department from the General Revenue Fund
187 or by the department from any other state fund, to the extent
188 not pledged to retire bonded indebtedness, unless the local
189 government demonstrates that good faith efforts to meet the
190 requirements of subsections (3) and (5) ~~(2) and (4)~~ have been
191 made or that the funds are being or will be used to finance the
192 correction of a pollution control problem that spans
193 jurisdictional boundaries.

194 Section 4. Present subsections (6) through (14) of section
195 403.707, Florida Statutes, are redesignated as subsections (7)
196 through (15), respectively, a new subsection (6) is added to
197 that section, and paragraph (j) of present subsection (9) of
198 that section is amended, to read:

199 403.707 Permits.—

200 (6) The department may not issue a construction permit
201 pursuant to this section for a new solid waste disposal facility
202 that uses an ash-producing incinerator or for a waste-to-energy
203 facility, if the proposed location of such facility is sited
204 within a one mile radius of any school or any property zoned for
205 residential use which has a density of one or more dwelling
206 units per acre. The one-mile radius must be measured from the
207 stack of the facility. This subsection applies only to a county
208 as defined in s. 125.011(1).

209 ~~(10)(9)~~ The department shall establish a separate category
210 for solid waste management facilities that accept only
211 construction and demolition debris for disposal or recycling.
212 The department shall establish a reasonable schedule for
213 existing facilities to comply with this section to avoid undue



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214 hardship to such facilities. However, a permitted solid waste
215 disposal unit that receives a significant amount of waste prior
216 to the compliance deadline established in this schedule shall
217 not be required to be retrofitted with liners or leachate
218 control systems.

219 (j) The Legislature recognizes that recycling, waste
220 reduction, and resource recovery are important aspects of an
221 integrated solid waste management program and as such are
222 necessary to protect the public health and the environment. If
223 necessary to promote such an integrated program, the county may
224 determine, after providing notice and an opportunity for a
225 hearing prior to April 30, 2008, that some or all of the
226 material described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~ shall be
227 excluded from the definition of "construction and demolition
228 debris" in s. 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction
229 of such county. The county may make such a determination only if
230 it finds that, prior to June 1, 2007, the county has established
231 an adequate method for the use or recycling of such wood
232 material at an existing or proposed solid waste management
233 facility that is permitted or authorized by the department on
234 June 1, 2007. The county is not required to hold a hearing if
235 the county represents that it previously has held a hearing for
236 such purpose, or if the county represents that it previously has
237 held a public meeting or hearing that authorized such method for
238 the use or recycling of trash or other nonputrescible waste
239 materials and that such materials include those materials
240 described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~. The county shall
241 provide written notice of its determination to the department by
242 no later than April 30, 2008; thereafter, the materials



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243 described in s. 403.703(7) ~~s. 403.703(6)~~ shall be excluded from
244 the definition of "construction and demolition debris" in s.
245 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction of such county.
246 The county may withdraw or revoke its determination at any time
247 by providing written notice to the department.

248 Section 5. Subsection (5) of section 403.7049, Florida
249 Statutes, is amended to read:

250 403.7049 Determination of full cost for solid waste
251 management; local solid waste management fees.—

252 (5) In order to assist in achieving the municipal solid
253 waste reduction goal and the recycling provisions of s.
254 403.706(3) ~~s. 403.706(2)~~, a county or a municipality which owns
255 or operates a solid waste management facility is hereby
256 authorized to charge solid waste disposal fees which may vary
257 based on a number of factors, including, but not limited to, the
258 amount, characteristics, and form of recyclable materials
259 present in the solid waste that is brought to the county's or
260 the municipality's facility for processing or disposal.

261 Section 6. Paragraph (c) of subsection (2) and subsection
262 (3) of section 403.705, Florida Statutes, are amended to read:

263 403.705 State solid waste management program.—

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

266 (c) Planning guidelines and technical assistance to
267 counties and municipalities to aid in meeting the municipal
268 solid waste recycling goals established in s. 403.706(3) ~~s.~~
269 ~~403.706(2)~~.

270 (3) The department shall evaluate and report biennially to
271 the President of the Senate and the Speaker of the House of



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272 Representatives on the state's success in meeting the solid
273 waste recycling goal as described in s. 403.706(3) ~~s.~~
274 ~~403.706(2)~~.

275
276 ===== T I T L E A M E N D M E N T =====

277 And the title is amended as follows:

278 Delete lines 2 - 10

279 and insert:

280 An act relating to waste management; amending s.
281 403.703, F.S.; defining the term "auxiliary
282 container"; conforming cross-references; amending s.
283 403.7033, F.S.; deleting obsolete provisions that
284 provide legislative findings and require the
285 Department of Environmental Protection to review and
286 update a specified report; prohibiting the local
287 regulation of auxiliary containers; preempting such
288 regulation to the state; amending ss. 403.706 and
289 403.707, F.S.; prohibiting a local government from
290 issuing a construction permit for certain solid waste
291 disposal facilities in certain counties; providing
292 applicability; conforming a provision to changes made
293 by the act; conforming cross-references; amending ss.
294 403.7049 and 403.705, F.S.; conforming cross-
295 references; providing an effective date.