The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL:	CS/SB 946
INTRODUCER:	Environment and Natural Resources Committee and Senator Rodriguez
SUBJECT:	Waste Facilities
DATE:	March 25, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	**Fav/CS**
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 946 prohibits a state or local governmental entity from approving any permit for the construction or operation of any of the following facilities that are proposed to be located within one mile of the C-9 impoundment:

- A municipal solid waste-to-energy facility;
- A pyrolysis facility;
- To the extent that it includes incineration of any type, a solid waste disposal facility.

The bill provides that this prohibition does not apply to a facility that was constructed and had an operating permit authorizing incineration before July 1, 2025.

II. Present Situation:

Everglades Restoration

At one time, the Everglades system covered over 7 million acres of South Florida.[1] Water flowed uninterrupted from the Kissimmee River to Lake Okeechobee through the "River of Grass" that was the Everglades and then on to the Biscayne Bay estuaries, the Ten Thousand Islands, and

[1] South Florida Water Management District (SFWMD), *Everglades*, https://www.sfwmd.gov/our-work/everglades (last visited Mar. 14, 2025).

Florida Bay.[2] By the early 1900s, land in the Everglades was being drained to make room for agriculture and development, with little concern for the increasingly damaged ecosystem.[3]

Early conservationists, scientists, and other advocates, however, were concerned about environmental degradation and with their support, the Everglades National Park was created in 1947.[4] The following year, Congress authorized the Central and South Florida (C&SF) Project.[5] It addressed flood control, regional water supply, prevention of saltwater intrusion, water supply to Everglades National Park, wildlife preservation, recreation, and navigation.[6]

In spite of its stated purpose, the construction and operation of the C&SF Project had unintended adverse effects on the Everglades system.[7] Some of these included extreme fluctuations in the water levels of Lake Okeechobee, extreme fluctuations in the salinity levels of the Caloosahatchee and St. Lucie estuaries caused by major changes in freshwater discharges, detrimental changes in hydrologic conditions in freshwater wetland habitats, and fluctuations in the salinity levels of Florida and Biscayne bays caused by unsuitable freshwater flows. Wading bird populations are indicative of ecosystem health; by 1999, those populations had decreased by 85-90 percent and were steadily declining.[8] Further, the C&SF Project created water supply shortages in Central and South Florida during dry periods, because the canals drained water off the land too quickly without allowing for storage.[9]

In 1994, in response to litigation over water quality issues in the Everglades, the State of Florida adopted the Everglades Forever Act.[10] The Act established monitoring and protection for the "Everglades Protection Area," defined as "Water Conservation Areas (WCAs) 1, 2A, 2B, 3A, and 3B, the Arthur R. Marshall Loxahatchee National Wildlife Refuge, and the Everglades National Park."[11] WCA 1 is the Arthur R. Marshall Loxahatchee National Wildlife Refuge and is managed by the U.S. Fish and Wildlife Service.[12] WCAs 2 and 3 are managed by the Florida

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[2] *Id.*; National Park Service, *Everglades*, https://www.nps.gov/ever/learn/historyculture/index.htm (last visited Mar. 3, 2025).
[3] *Id.*
[4] *Id.*
[5] The Flood Control Act of 1948, Pub. L. No. 858, s. 203, 62 Stat. 1176.
[6] SFWMD and U.S. Army Corps of Engineers (USACE), *C&SF Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement*, i (Apr. 1999), *available at* https://www.sfwmd.gov/sites/default/files/documents/CENTRAL_AND_SOUTHERN_FLORIDA_PROJECT_COMPREHENSIVE_REVIEW_STUDY.pdf.
[7] *Id.* at iii.
[8] *Id.*
[9] *Id.* at iii.
[10] SFWMD, *Conceptual Design Document* (1994), *available at* https://www.sfwmd.gov/sites/default/files/documents/epp%20conceptual%20design.pdf; DEP, *Everglades Forever Act*, https://floridadep.gov/owper/eco-restoration/content/everglades-forever-act-efa (last visited Mar. 3, 2025); Keith W. Rizzardi, *Alligators and Litigators: A Recent History of Everglades Regulation and Litigation*, The Florida Bar, vol. 75, no. 3, 18 (March 2001), *available at* https://www.floridabar.org/the-florida-bar-journal/alligators-and-litigators-a-recent-history-of-everglades-regulation-and-litigation/.
[11] Section 373.4592(2)(i), F.S.; *see also* FLA. CON. art. II, s. 7(b). Those in the Everglades Agricultural Area who cause water pollution within the Everglades Protection Area are primarily responsible for the abatement costs. *Id.*
[12] SFWMD, *Water Conservation Area 1 (Arthur R. Marshall Loxahatchee National Wildlife Refuge)*, https://www.sfwmd.gov/recreation-site/water-conservation-area-1-arthur-r-marshall-loxahatchee-national-wildlife-refuge (last visited Mar. 2, 2025).

Fish and Wildlife Conservation Commission.[13] Everglades National Park is managed by the National Park Service.[14]

The long-term water quality objective for the Everglades is to implement the optimal combination of source controls, stormwater treatment areas, advanced treatment technologies, and regulatory programs to ensure that all waters discharged to the Everglades Protection Area achieve water quality standards consistent with the Everglades Forever Act.[15]

In 1992 and 1996, Congress authorized the Comprehensive Review Study (Restudy).[16] The Restudy reexamined the C&SF Project to evaluate modifications that would help restore the Everglades ecosystem. The Restudy recommended a comprehensive plan that included structural and operational changes to the project in 1999. In response to the Restudy, Congress authorized the Comprehensive Everglades Restoration Plan (CERP) in the Water Resources Development Act of 2000.[17] CERP is a framework for modifications and operational changes to the C&SF Project that are necessary to restore, preserve, and protect the South Florida ecosystem, while providing for other water-related needs of the region.[18]

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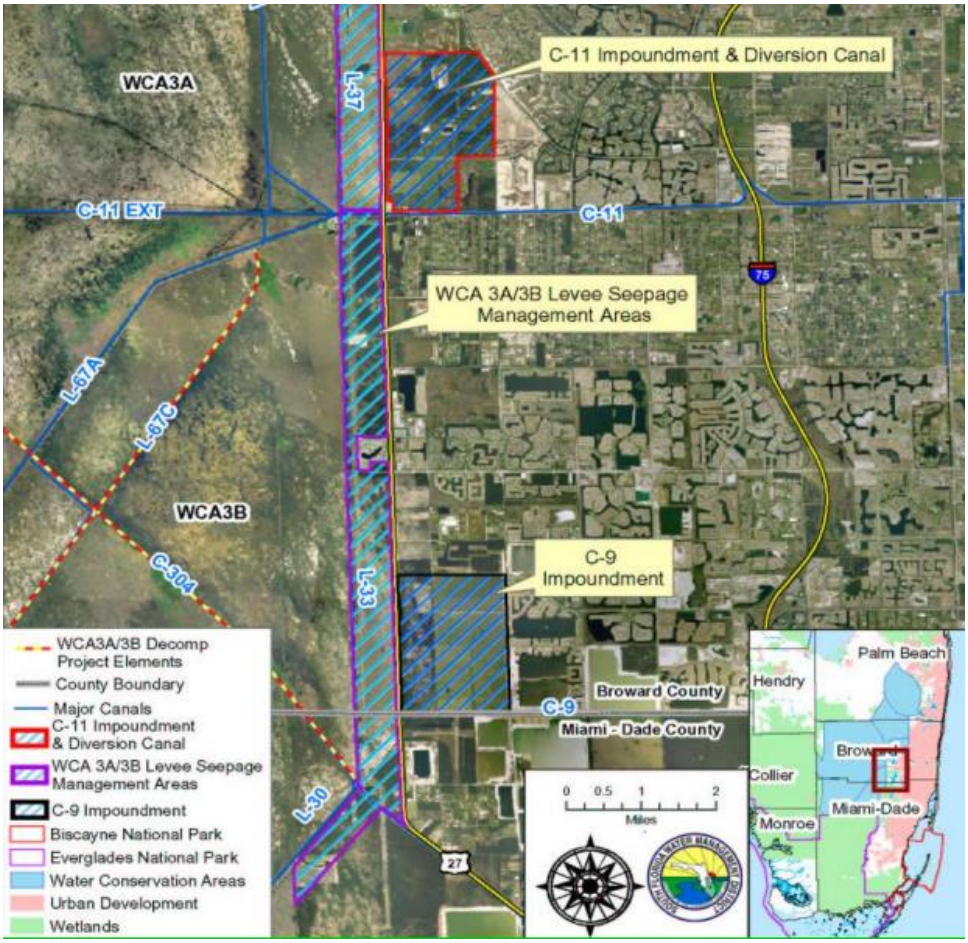
[13] Florida Fish and Wildlife Conservation Commission, *Everglades Water Conservation Areas*, https://myfwc.com/fishing/freshwater/sites-forecasts/s/everglades-water-conservation-areas/ (last visited Mar. 2, 2025).
[14] National Park Service, *Everglades National Park*, https://www.nps.gov/ever/index.htm (last visited Mar. 2, 2025); SFWMD, *2016 South Florida Environmental Report*, 3 (2016), *available at* https://issuu.com/southfloridawatermanagement/docs/2016_sfer_highlights_final?e=4207603/33817547. This document contains the map shown on this page.
[15] DEP, *Everglades Forever Act*, https://floridadep.gov/eco-pro/eco-pro/content/everglades-forever-act-efa (last visited Mar. 3, 2025).
[16] SFWMD and USACE, *C&SF Project Comprehensive Review Study Final Integrated Feasibility Report and Programmatic Environmental Impact Statement* at 1-3, *available at* https://www.sfwmd.gov/sites/default/files/documents/CENTRAL_AND_SOUTHERN_FLORIDA_PROJECT_COMPREHENSIVE_REVIEW_STUDY.pdf.
[17] Water Resources Development Act of 2000, Pub. L. No. 106-541, s. 601, 114 Stat. 2680 (2000); USACE, *Central & Southern Florida (C&SF) Project*, https://www.saj.usace.army.mil/About/Congressional-Fact-Sheets-2024/C-SF-Project-C/ (last visited Mar. 3, 2025).
[18] National Park Service, *Everglades: Comprehensive Everglades Restoration Plan (CERP)*, https://www.nps.gov/ever/learn/nature/cerp.htm (last visited Mar. 3, 2025).

One of the projects included in CERP is the C-9 Impoundment, which will consist of a four-foot deep aboveground impoundment with pump stations, a gated spillway, culverts, a fixed weir structure, an emergency overflow spillway, and perimeter seepage control canals.[19] The design also includes a mitigated wetland buffer along the northern boundary.[20] The purpose of the impoundment is to pump runoff from the nearby C-9 drainage basin and diverted water from the western C-11 basin into the impoundment.[21] This project is currently in the planning phase, with construction contracts scheduled to be awarded in 2027, subject to the availability of funds.[22]



[19] SFWMD, *Broward County Water Preserve Areas: C-11 and C-9 Impoundments*, 1-15 (2005), *available at* https://www.sfwmd.gov/sites/default/files/documents/final_report_c9_c11_2-6-06.pdf.
[20] *Id.*
[21] USACE, *CERP Broward County Water Preserve Areas Fact Sheet*, https://www.saj.usace.army.mil/About/Congressional-Fact-Sheets-2024/CERP-Broward-County-Water-Preserve-Areas-C/ (last visited Mar. 24, 2025). SFWMD, *East Coast Buffer Land Management Plan*, 31 (2006), *available at* https://www.sfwmd.gov/sites/default/files/documents/lmp_ecb_2006.pdf (showing map of C-9 Impoundment area).
[22] USACE, *CERP Broward County Water Preserve Areas Fact Sheet*; USACE, *Integrated Delivery Schedule 2024 Update*, 1 (2024), *available at* https://www.saj.usace.army.mil/Portals/44/IDS/IDS_2024_FINAL_20250122_v4.pdf?ver=QUlBSJjLQEmlJoJAytrtBA%3d%3d.

Solid Waste and Waste-to-Energy Facilities

Energy recovery from waste is the conversion of non-recyclable waste materials into usable heat, electricity, or fuel through processes, including combustion, gasification, pyrolization, anaerobic digestion, and landfill gas recovery.[23] This process is often called waste-to-energy (WTE).[24]

Municipal solid waste (MSW) can be used to produce energy at WTE plants and landfills.[25] MSW can contain:

- Biomass, or biogenic (plant or animal products) materials such as paper, cardboard, food waste, grass clippings, leaves, wood, and leather products;
- Nonbiomass combustible materials such as plastics and other synthetic materials made from petroleum; and
- Noncombustible materials such as glass and metals.[26]

The process of MSW incineration is generally divided into three main parts: incineration, energy recovery, and air-pollution control.[27] Most modern incinerators are equipped with energy-recovery schemes, which produce WTE ash.[28] Three major classes of technologies are used to combust MSW: mass burn, refuse-derived fuel, and fluidized-bed combustion.[29] The most common WTE system in the U.S. is the mass-burn system.[30]

At an MSW combustion facility, MSW is unloaded from collection trucks and placed in a trash storage bunker.[31] An overhead crane sorts the waste and then lifts it into a combustion chamber to be burned. The heat released from burning converts water to steam, which is then sent to a turbine generator to produce electricity. The remaining ash is collected and taken to a landfill where a high-efficiency baghouse filtering system captures particulates. As the gas stream travels through these filters, more than 99 percent of particulate matter is removed. Captured fly ash particles fall into hoppers (funnel-shaped receptacles) and are transported by an enclosed conveyor system to the ash discharger. They are then wetted to prevent dust and mixed with the bottom ash from the grate. The facility transports the ash residue to an enclosed building where it is loaded into covered, leak-proof trucks and taken to a landfill designed to protect against groundwater contamination.[32]

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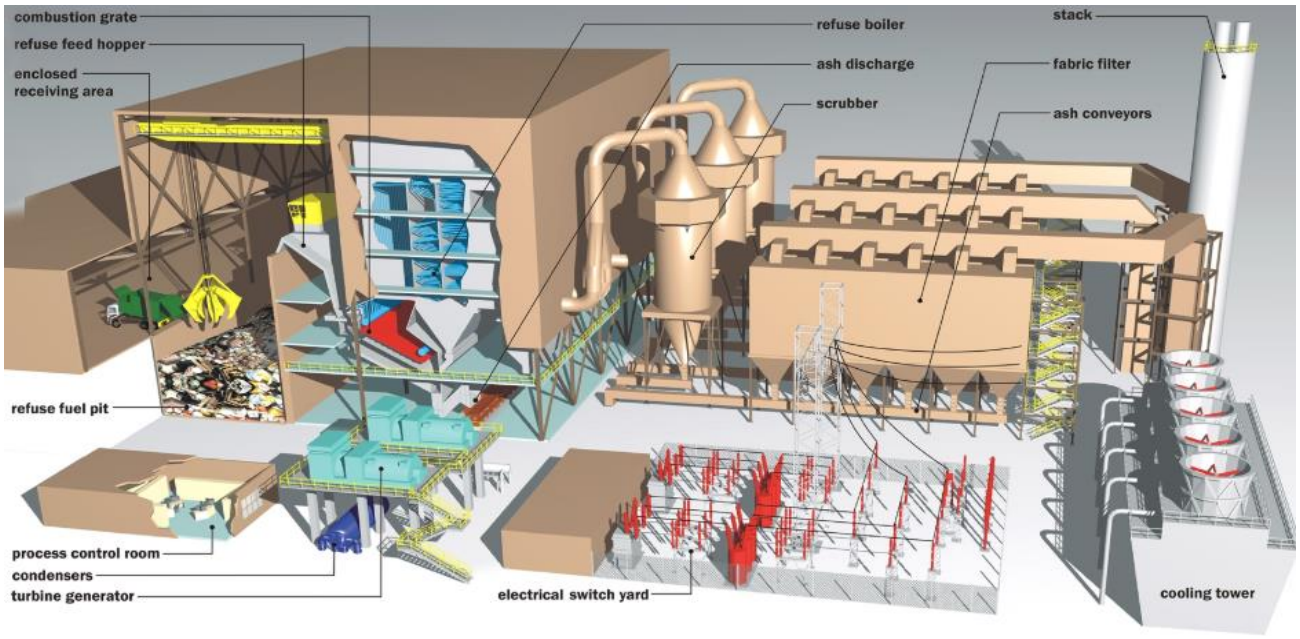
[23] EPA, *Energy Recovery from the Combustion of Municipal Solid Waste (MSW)*, https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw (last visited Mar. 3, 2025).
[24] *Id.*
[25] U.S. Energy Information Administration (EIA), *Biomass explained, Waste-to-energy (Municipal Solid Waste), Basics*, https://www.eia.gov/energyexplained/biomass/waste-to-energy.php (last visited Mar. 3, 2025).
[26] *Id.*
[27] Byoung Cho et al., *Municipal Solid Waste Incineration Ashes as Construction Materials—A review*, Materials, vol. 13, 2 (2020), *available at* https://pmc.ncbi.nlm.nih.gov/articles/PMC7411600/.
[28] *Id.*
[29] *Id.*
[30] EIA, *Biomass explained: Waste-to-energy (Municipal Solid Waste), In-depth*, https://www.eia.gov/energyexplained/biomass/waste-to-energy-in-depth.php (last visited Mar. 3, 2025).
[31] EPA, *Energy Recovery from the Combustion of Municipal Solid Waste (MSW)*, https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw#Technology (last visited Mar. 10, 2025).
[32] *Id.*

About 90 percent of the energy produced by WTE plants is delivered to the electric grid.[33] The remaining 10 percent consists of steam that some WTE facilities send to nearby industrial plants and institutions.[34]



Example of a WTE plant[35]

Waste incineration first became popular in the U.S. in the first half of the 20th century as a way to manage waste but declined after the passage of the Clean Air Act in 1963 forced facilities to either adopt costly air pollution controls or shut down.[36] In the 1970s and 1980s, waste-to-energy facilities rose again in popularity as a way to produce a low-cost energy alternative to coal, which was considered by some at the time to be a renewable energy source. Now, the number of incinerators has again declined nationally due to public concern about their environmental and health impacts, as well as a loss in profitability.[37]

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[33] U.S. Energy Information Administration, *Waste-to-energy plants are a small but stable source of electricity in the United States*, https://www.eia.gov/todayinenergy/detail.php?id=55900 (last visited Mar. 9, 2025).
[34] *Id.*
[35] Pinellas County, *Waste-to-Energy Facility*, https://pinellas.gov/waste-to-energy-facility/ (last visited Mar. 3, 2025) (showing graphic of a mass-burn waste-to-energy plant).
[36] University of Florida, Thompson Earth Systems Institute, *Tell Me About: Waste Incineration in Florida* (2022), https://www.floridamuseum.ufl.edu/earth-systems/blog/tell-me-about-waste-incineration-in-florida/ (last visited Mar. 3, 2025).
[37] *Id.* The major concern associated with MSW incineration is the air pollution caused by dioxin, furan, and heavy metals originating from MSW. Cho, *Municipal Solid Waste Incineration Ashes as Construction Materials—A review* at 2. *See also* C. Ferreira et al., *Heavy metals in MSW incineration fly ashes*, Journal de Physique IV, vol. 107 (2003), *available at* https://jp4.journaldephysique.org/articles/jp4/abs/2003/05/jp4pr5p463/jp4pr5p463.html; Junjie Zhang et al., *Degradation technologies and mechanisms of dioxins in municipal solid waste incineration fly ash: A review*, Journal of Cleaner Production, vol. 250 (2020), *available at* https://www.sciencedirect.com/science/article/abs/pii/S095965261934377X.

In Florida, there are currently 10 WTE facilities.[38] Florida has the largest capacity to burn MSW of any state in the country.[39]

Solid Waste Facility Permitting in Florida

In Florida, the governing body of a county has the responsibility to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county.[40] A county may enter into a written agreement with other parties to undertake some or all of its responsibilities.[41]

A solid waste management facility may not be operated, maintained, constructed, expanded, modified, or closed without a permit issued by the Department of Environmental Protection (DEP).[42] In addition to a solid waste management facility permit, WTE facilities may also require air construction and operation permits.[43]

DEP may only issue a construction permit to a solid waste management facility that provides the conditions necessary to control the safe movement of wastes or waste constituents into surface or ground waters or the atmosphere and that will be operated, maintained, and closed by qualified and properly trained personnel.[44] Such facility must if necessary:

- Use natural or artificial barriers that can control lateral or vertical movement of wastes or waste constituents into surface or ground waters.
- Have a foundation or base that can provide support for structures and waste deposits and capable of preventing foundation or base failure due to settlement, compression, or uplift.
- Provide for the most economically feasible, cost-effective, and environmentally safe control of leachate, gas, stormwater, and disease vectors and prevent the endangerment of public health and the environment.[45]

DEP may by rule exempt specified types of facilities from permit requirements if it determines that construction or operation of the facility is not expected to create any significant threat to the environment or public health.[46]

DEP must allow WTE facilities to maximize acceptance and processing of nonhazardous solid and liquid waste.[47] Ash from WTE facilities must be disposed of in a lined MSW landfill or a

[38] DEP, *Waste-to-Energy*, https://floridadep.gov/waste/permitting-compliance-assistance/content/waste-energy (last visited Mar. 3, 2025). The state had 11 WTE facilities until 2023 when a fire destroyed one in Miami-Dade County. *See* Mayor Daniella Levine Cava, *Memorandum on Site Selection for a Sustainable Solid Waste Campus and Update on Miami-Dade County's Solid Waste Disposal Strategy*, 1 (2024), *available at* d https://documents.miamidade.gov/mayor/memos/09.13.24-Site-Selection-for-a-Sustainable-Solid-Waste-Campus.pdf.
[39] DEP, *Waste-to-Energy*.
[40] Section 403.706(1), F.S.
[41] Section 403.706(8), F.S.
[42] *See* section 403.707(1), F.S.
[43] Sections 403.707(6) and 403.087(1), F.S.; Fla. Admin. Code R. 62-210.300. *See also* DEP, *Air Construction Permits*, https://floridadep.gov/sites/default/files/Air-Construction-Permits.pdf (last visited Mar. 10, 2024).
[44] Section 403.707(6), F.S.
[45] *Id.*
[46] Section 403.707(1), F.S.
[47] Section 403.707(1), F.S.

lined ash monofill, since an EPA study showed that ash from WTE facilities should not be classified as hazardous waste.[48]

Federal Regulations on Waste Incineration

Pursuant to the Clean Air Act, EPA has developed regulations limiting emissions of nine air pollutants—particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium—from four categories of solid waste incineration units: (1) municipal solid waste; (2) hospital, medical and infectious solid waste; (3) commercial and industrial solid waste; and (4) other solid waste.[49]

Emission limits may vary depending on the size and type of the facility (e.g., large versus small municipal waste combustors) and whether the materials incinerated are hazardous.[50] In 2024, EPA proposed stricter standards for large municipal waste combustion units.[51] EPA is also considering requiring waste incinerators to report toxic releases to the toxic release inventory, which tracks the management of certain toxic chemicals.[52]

Pyrolysis and Gasification

Pyrolysis and gasification units convert solid or semi-solid feedstocks—including solid waste (e.g., MSW, commercial and industrial waste, hospital/medical/infectious waste, sewage sludge, other solid waste), biomass, plastics, tires, and organic contaminants in soils and oily sludges—to useful products such as energy, fuels, and chemical commodities.[53]

Pyrolysis is a process where materials are thermally decomposed or rearranged under process conditions where extremely little to no oxygen is present.[54] Pyrolysis, which is also known as devolatilization, is an endothermic process[55] that produces 75 to 90 percent volatile materials in

[48] DEP, *Waste-to-Energy*, https://floridadep.gov/waste/permitting-compliance-assistance/content/waste-energy (last visited Mar. 10, 2025).
[49] EPA, *Large Municipal Waste Combustors (LMWC): New Source Performance Standards (NSPS) and Emissions Guidelines*, https://www.epa.gov/stationary-sources-air-pollution/large-municipal-waste-combustors-lmwc-new-source-performance (last visited Mar. 11, 2025). *See* 71 Fed. Reg. 27325-26 (adopting final rule regarding standards of performance for new stationary sources and emission guidelines for existing sources: large municipal waste combustors); 40 CFR part 60.
[50] *See generally* EPA, *Clean Air Act Guidelines and Standards for Waste Management*, https://www.epa.gov/stationary-sources-air-pollution/clean-air-act-guidelines-and-standards-waste-management (last visited Mar. 11, 2025).
[51] 89 Fed. Reg. 4243, 4246 (Jan. 23, 2024) (proposing amendments to 40 CFR part 60). Large municipal waste combustors combust more than 250 tons per day of MSW. 40 CFR 60.32b and 60.50b; EPA, *Large Municipal Waste Combustors (LMWC): New Source Performance Standards (NSPS) and Emissions Guidelines*, https://www.epa.gov/stationary-sources-air-pollution/large-municipal-waste-combustors-lmwc-new-source-performance (last visited Mar. 11, 2025).
[52] EPA, *Memorandum re: Petition for Rulemaking Pursuant to the Administrative Procedure Act and the Emergency Planning and Community Right-to-Know Act, Requiring that Waste Incinerators Report to the Toxics Release Inventory*, 1-2 (2024), *available at* https://peer.org/wp-content/uploads/2024/12/PET-001757_Incinerators_PetitionResponse_Ltr.pdf; EPA, *What is the Toxics Release Inventory?*, https://www.epa.gov/toxics-release-inventory-tri-program/what-toxics-release-inventory (last visited Mar. 11, 2025). U.S. facilities in different industry sectors must report annually how much of each chemical they release into the environment and/or managed through recycling, energy recovery and treatment, as well as any practices implemented to prevent or reduce the generation of chemical waste. *Id.*
[53] EPA, *Rulemaking on Pyrolysis and Gasification Units*, https://www.epa.gov/stationary-sources-air-pollution/advance-notice-proposed-rulemaking-pyrolysis-and-gasification (last visited Mar. 13, 2025).
[54] 86 Fed. Reg. 50296, 50299 (Sept. 8, 2021) (advance notice of proposed rulemaking regarding potential future regulation addressing pyrolysis and gasification units).
[55] Endothermic is a process where heat is absorbed by a chemical reaction, thus resulting in decreased temperature.

the form of gaseous and liquid hydrocarbons.[56] Through the application of heat, pyrolysis disintegrates the long hydrocarbon bonds of the incoming feed materials and may generate tars, oils, particulate matter, reduced sulfur and nitrogen compounds, and hazardous air pollutants including polycyclic aromatic hydrocarbons.[57]

Gasification is a process of converting feed materials into syngas (carbon monoxide and hydrogen) and carbon dioxide.[58] The materials are gasified when they react with controlled amounts of oxygen or steam at high temperatures. Oxygen is added in small amounts to maintain a reducing (i.e., oxidation or combustion-preventing) atmosphere, where the quantity of oxygen available is less than the amount needed for complete combustion of the feed material. The process of gasification has endothermic and exothermic[59] phases but overall is an exothermic process and requires an external heat source, such as syngas combustion, char combustion, or steam.[60]

III. Effect of Proposed Changes:

Section 1 amends s. 373.4592, F.S., regarding Everglades improvement and management. The bill provides that, notwithstanding any law to the contrary, a state or local governmental entity may not approve any permit for the construction or operation of any of the following facilities that are proposed to be located within one mile of the C-9 impoundment, authorized by the Water Resources Reform and Development Act of 2014:

- A municipal solid waste-to-energy facility;[61]
- A pyrolysis facility;[62]
- To the extent that it includes incineration of any type, a solid waste disposal facility.[63]

The bill provides that this prohibition does not apply to a facility that was constructed and had an operating permit authorizing incineration before July 1, 2025.

Sections 2 through 4 make conforming changes.

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[56] *Id.* (citing U.S. Dep't of Energy, *Benchmarking Biomass Gasification Technologies for Fuels, Chemicals, and Hydrogen Production* (2002), *available at* https://netl.doe.gov/sites/default/files/netl-file/BMassGasFinal_0.pdf).
[57] *Id.* at 50299-300.
[58] *Id.* at 50300. Syngas, the primary product of gasification, is a fuel and can be burned in boilers, gas engines, or turbines. It can also be used as a chemical feedstock to produce other, more complex chemicals or hydrocarbon fuels. *Id.*
[59] Exothermic is a process where heat is produced by a chemical reaction, thus resulting in elevated temperature.
[60] *Id.*
[61] "Municipal solid waste-to-energy facility" means a publicly owned facility that uses an enclosed device using controlled combustion to thermally break down solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result. The term does not include facilities that primarily burn fuels other than solid waste even if such facilities also burn some solid waste as a fuel supplement. The term also does not include facilities that primarily burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels. Section 377.814(2)(b), F.S
[62] "Pyrolysis facility" means a facility that receives, separates, stores, and converts post-use polymers, using gasification or pyrolysis. Section 403.703(27), F.S.
[63] "Solid waste disposal facility" means any solid waste management facility that is the final resting place for solid waste, including landfills and incineration facilities that produce ash from the process of incinerating municipal solid waste. Section 403.703(36), F.S.

Section 5 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may increase costs for local governments by limiting available locations for the types of solid waste facilities included in the bill, making it more challenging to site new facilities. If local governments are unable to identify suitable locations that comply with the bill's restrictions, they may be required to transport waste to facilities in other counties or municipalities, potentially leading to higher disposal and transportation expenses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 373.4592, 316.5501, 339.2818, and 373.036.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environment and Natural Resources on March 25, 2025:

- Reduces the prohibited area from two miles around Everglades-related sites and certain federally and state-funded water storage and conveyance structures to one mile around the C-9 impoundment authorized by the Water Resources Reform and Development Act of 2014.
- Removes solid waste facilities and solid waste management facilities that do not include incineration from the types of prohibited facilities.
- Clarifies that the restriction applies to both state and local permits.
- Clarifies that the bill does not apply to a facility that was constructed and had an operating permit authorizing incineration before July 1, 2025.
- Removes the provision that the bill preempted permitting to the state and superseded local government regulations.

B. Amendments:

None.