

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1089 (2026)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

1 Committee/Subcommittee hearing bill: Natural Resources &
2 Disasters Subcommittee

3 Representative Bartleman offered the following:

5 **Amendment (with title amendment)**

6 Remove lines 22-155 and insert:

7 sited within 1 mile of any impoundment area authorized by
8 Congress with an effective interior storage of at least 100
9 acres for purposes of capturing, storing, and distributing
10 surface water, improving hydroperiods and hydropatterns in any
11 water conservation area, increasing spatial extent of wetlands,
12 benefiting any federally listed threatened and endangered
13 species, flood mitigation, or groundwater recharge.

14 (b) Paragraph (a) does not apply to:

15 1. Any canal.

16 2. Any existing construction, current operation, or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1089 (2026)

Amendment No.

17 modification to such structure or operation in existence as of
18 July 1, 2026.

19 3. Any parcel located in a county with a population of
20 less than 1.7 million according to the United States 2020
21 decennial census.

22 (5)~~(4)~~(a) In order to promote the production of renewable
23 energy from solid waste, each megawatt-hour produced by a
24 renewable energy facility using solid waste as a fuel shall
25 count as 1 ton of recycled material and shall be applied toward
26 meeting the recycling goals set forth in this section. If a
27 county creating renewable energy from solid waste implements and
28 maintains a program to recycle at least 50 percent of municipal
29 solid waste by a means other than creating renewable energy,
30 that county shall count 1.25 tons of recycled material for each
31 megawatt-hour produced. If waste originates from a county other
32 than the county in which the renewable energy facility resides,
33 the originating county shall receive such recycling credit. Any
34 byproduct resulting from the creation of renewable energy that
35 is recycled shall count towards the county recycling goals in
36 accordance with the methods and criteria developed pursuant to
37 paragraph (3) (h) ~~(2)~~(h).

38 (b) A county may receive credit for one-half of the
39 recycling goal set forth in subsection (3) ~~(2)~~ from the use of
40 yard trash, or other clean wood waste or paper waste, in
41 innovative programs including, but not limited to, programs that

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1089 (2026)

Amendment No.

42 produce alternative clean-burning fuels such as ethanol or that
43 provide for the conversion of yard trash or other clean wood
44 waste or paper waste to clean-burning fuel for the production of
45 energy for use at facilities other than a waste-to-energy
46 facility as defined in s. 403.7061. The provisions of this
47 paragraph apply only if a county can demonstrate that:

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

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

55 (c) A county with a population of 100,000 or less may
56 provide its residents with the opportunity to recycle in lieu of
57 achieving the goal set forth in this section. For the purposes
58 of this section, the "opportunity to recycle" means that the
59 county:

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

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

65 2. Provides a public education and promotion program that
66 is conducted to inform its residents of the opportunity to

651207 - h1089-line 22.docx

Published On: 2/3/2026 4:47:02 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1089 (2026)

Amendment No.

67 recycle, encourages source separation of recyclable materials,
68 and promotes the benefits of reducing, reusing, recycling, and
69 composting materials.

70 (7) +6) The department may reduce or modify the municipal
71 solid waste recycling goal that a county is required to achieve
72 pursuant to subsection (3) +2) if the county demonstrates to the
73 department that:

74 (a) The achievement of the goal set forth in subsection
75 (3) +2) would have an adverse effect on the financial obligations
76 of a county that are directly related to a waste-to-energy
77 facility owned or operated by or on behalf of the county; and

78 (b) The county cannot remove normally combustible
79 materials from solid waste that is to be processed at a waste-
80 to-energy facility because of the need to maintain a sufficient
81 amount of solid waste to ensure the financial viability of the
82 facility.

83

84 The goal shall not be waived entirely and may only be reduced or
85 modified to the extent necessary to alleviate the adverse
86 effects of achieving the goal on the financial viability of a
87 county's waste-to-energy facility. Nothing in this subsection
88 shall exempt a county from developing and implementing a
89 recycling program pursuant to this act.

90 (8) +7) In order to assess the progress in meeting the goal
91 set forth in subsection (3) +2), each county shall, by April 1

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1089 (2026)

Amendment No.

92 each year, provide information to the department regarding its
93 annual solid waste management program and recycling activities.

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

96 1. The amount of municipal solid waste disposed of at
97 solid waste disposal facilities, by type of waste such as yard
98 trash, white goods, clean debris, tires, and unseparated solid
99 waste;

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

102 3. The percentage of the population participating in
103 various types of recycling activities instituted.

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

107 (21)~~(20)~~ In addition to any other penalties provided by
108 law, a local government that does not comply with the
109 requirements of subsections (3) ~~(2)~~ and (5) ~~(4)~~ shall not be
110 eligible for grants from the Solid Waste Management Trust Fund,
111 and the department may notify the Chief Financial Officer to
112 withhold payment of all or a portion of funds payable to the
113 local government by the department from the General Revenue Fund
114 or by the department from any other state fund, to the extent
115 not pledged to retire bonded indebtedness, unless the local
116 government demonstrates that good faith efforts to meet the

Amendment No.

117 requirements of subsections (3) ~~(2)~~ and (5) ~~(4)~~ have been made
118 or that the funds are being or will be used to finance the
119 correction of a pollution control problem that spans
120 jurisdictional boundaries.

121 **Section 2. Subsections (6) through (14) of section
122 403.707, Florida Statutes, are renumbered as subsections (7)
123 through (15), respectively, and a new subsection (6) is added to
124 that section to read:**

125 403.707 Permits.—

126 (6) (a) The department may not issue a construction permit
127 pursuant to this section for a new solid waste disposal facility
128 that uses an ash-producing incinerator or for a waste-to-energy
129 facility if the proposed location of such facility is sited
130 within 1 mile of any impoundment area authorized by Congress
131 with an effective interior storage of at least 100 acres for
132 purposes of capturing, storing, and distributing surface water,
133 improving hydroperiods and hydropatterns in any water
134 conservation area, increasing spatial extent of wetlands,
135 benefiting any federally listed threatened and endangered
136 species, flood mitigation, or groundwater recharge.

137 (b) Paragraph (a) does not apply to:

138 1. Any canal.
139 2. Any existing construction, current operation, or
140 modification to such structure or operation in existence as of
141 July 1, 2026.

COMMITTEE / SUBCOMMITTEE AMENDMENT

Bill No. HB 1089 (2026)

Amendment No.

3. Any parcel located in a county with a population of less than 1.7 million according to the United States 2020 decennial census.

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

Remove line 4 and insert:

government and the Department of Environmental

Protection from issuing a construction permit for