

HB 1089

2026

A bill to be entitled  
An act relating to waste facilities; amending ss. 403.706 and 403.707, F.S.; prohibiting a local government from issuing a construction permit for certain solid waste disposal and waste-to-energy facilities under certain circumstances; amending ss. 403.703, 403.7049, and 403.705, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsections (2) through (23) of section 403.706, Florida Statutes, are renumbered as subsections (3) through (24), respectively, present subsections (4), (6), (7), and (20) are amended, and a new subsection (2) is added to that section, to read:

403.706 Local government solid waste responsibilities.—  
(2) (a) A local government may not issue a construction  
permit pursuant to s. 403.707 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 2 miles, as measured from the stack, of any  
impoundment area authorized by Congress with an effective  
interior storage of at least 100 acres for purposes of  
capturing, storing, and distributing surface water, improving

26 hydroperiods and hydropatterns in any water conservation area,  
27 increasing spatial extent of wetlands, benefiting any federally  
28 listed threatened and endangered species, flood mitigation, or  
29 groundwater recharge.

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

31 1. Any canal.

32 2. Any existing construction, current operation, or

33 modification to such structure or operation in existence as of  
34 July 1, 2026.

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

51       (b) A county may receive credit for one-half of the  
52 recycling goal set forth in subsection (3) ~~(2)~~ from the use of  
53 yard trash, or other clean wood waste or paper waste, in  
54 innovative programs including, but not limited to, programs that  
55 produce alternative clean-burning fuels such as ethanol or that  
56 provide for the conversion of yard trash or other clean wood  
57 waste or paper waste to clean-burning fuel for the production of  
58 energy for use at facilities other than a waste-to-energy  
59 facility as defined in s. 403.7061. The provisions of this  
60 paragraph apply only if a county can demonstrate that:

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

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

68       (c) A county with a population of 100,000 or less may  
69 provide its residents with the opportunity to recycle in lieu of  
70 achieving the goal set forth in this section. For the purposes  
71 of this section, the "opportunity to recycle" means that the  
72 county:

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

HB 1089

2026

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

78       2. Provides a public education and promotion program that  
79 is conducted to inform its residents of the opportunity to  
80 recycle, encourages source separation of recyclable materials,  
81 and promotes the benefits of reducing, reusing, recycling, and  
82 composting materials.

83       (7)-(6) The department may reduce or modify the municipal  
84 solid waste recycling goal that a county is required to achieve  
85 pursuant to subsection (3)-(2) if the county demonstrates to the  
86 department that:

87       (a) The achievement of the goal set forth in subsection  
88 (3)-(2) would have an adverse effect on the financial obligations  
89 of a county that are directly related to a waste-to-energy  
90 facility owned or operated by or on behalf of the county; and

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

96  
97 The goal shall not be waived entirely and may only be reduced or  
98 modified to the extent necessary to alleviate the adverse  
99 effects of achieving the goal on the financial viability of a  
100 county's waste-to-energy facility. Nothing in this subsection

101 shall exempt a county from developing and implementing a  
102 recycling program pursuant to this act.

103 (8) (7) In order to assess the progress in meeting the goal  
104 set forth in subsection (3) (2), each county shall, by April 1  
105 each year, provide information to the department regarding its  
106 annual solid waste management program and recycling activities.

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

109 1. The amount of municipal solid waste disposed of at  
110 solid waste disposal facilities, by type of waste such as yard  
111 trash, white goods, clean debris, tires, and unseparated solid  
112 waste;

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

115 3. The percentage of the population participating in  
116 various types of recycling activities instituted.

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

120 (21) (20) In addition to any other penalties provided by  
121 law, a local government that does not comply with the  
122 requirements of subsections (3) (2) and (5) is (4) shall not be  
123 eligible for grants from the Solid Waste Management Trust Fund,  
124 and the department may notify the Chief Financial Officer to  
125 withhold payment of all or a portion of funds payable to the

126 local government by the department from the General Revenue Fund  
127 or by the department from any other state fund, to the extent  
128 not pledged to retire bonded indebtedness, unless the local  
129 government demonstrates that good faith efforts to meet the  
130 requirements of subsections (3) ~~(2)~~ and (5) ~~(4)~~ have been made  
131 or that the funds are being or will be used to finance the  
132 correction of a pollution control problem that spans  
133 jurisdictional boundaries.

134 **Section 2. Subsections (6) through (14) of section  
135 403.707, Florida Statutes, are renumbered as subsections (7)  
136 through (15), respectively, and a new subsection (6) is added to  
137 that section to read:**

138 403.707 Permits.—

139 (6) (a) The department may not issue a construction permit  
140 pursuant to this section for a new solid waste disposal facility  
141 that uses an ash-producing incinerator or for a waste-to-energy  
142 facility if the proposed location of such facility is sited  
143 within 2 miles, as measured from the stack, of any impoundment  
144 area authorized by Congress with an effective interior storage  
145 of at least 100 acres for purposes of capturing, storing, and  
146 distributing surface water, improving hydroperiods and  
147 hydropatterns in any water conservation area, increasing spatial  
148 extent of wetlands, benefiting any federally listed threatened  
149 and endangered species, flood mitigation, or groundwater  
150 recharge.

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

152       1. Any canal.

153       2. Any existing construction, current operation, or  
154 modification to such structure or operation in existence as of  
155 July 1, 2026.

156       **Section 3. Paragraph (b) of subsection (6) and subsections**

157       **(7) and (21) of section 403.703, Florida Statutes, are amended**  
158 **to read:**

159       403.703 Definitions.—As used in this part, the term:

160       (6) "Construction and demolition debris" means discarded  
161 materials generally considered to be not water-soluble and  
162 nonhazardous in nature, including, but not limited to, steel,  
163 glass, brick, concrete, asphalt roofing material, pipe, gypsum  
164 wallboard, and lumber, from the construction or destruction of a  
165 structure as part of a construction or demolition project or  
166 from the renovation of a structure, and includes rocks, soils,  
167 tree remains, trees, and other vegetative matter that normally  
168 results from land clearing or land development operations for a  
169 construction project, including such debris from construction of  
170 structures at a site remote from the construction or demolition  
171 project site. Mixing of construction and demolition debris with  
172 other types of solid waste will cause the resulting mixture to  
173 be classified as other than construction and demolition debris.

174 The term also includes:

175       (b) Except as provided in s. 403.707(10)(j) s.

176 ~~403.707(9)(j)~~, yard trash and unpainted, nontreated wood scraps  
177 and wood pallets from sources other than construction or  
178 demolition projects;

179 (7) "County," or any like term, means a political  
180 subdivision of the state established pursuant to s. 1, Art. VIII  
181 of the State Constitution and, when s. 403.706(20) ~~s.~~  
182 ~~403.706(19)~~ applies, means a special district or other entity.

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

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

190 403.7049 Determination of full cost for solid waste  
191 management; local solid waste management fees.—

192 (5) In order to assist in achieving the municipal solid  
193 waste reduction goal and the recycling provisions of s.  
194 ~~403.706(3)~~ ~~s. 403.706(2)~~, a county or a municipality which owns  
195 or operates a solid waste management facility is hereby  
196 authorized to charge solid waste disposal fees which may vary  
197 based on a number of factors, including, but not limited to, the  
198 amount, characteristics, and form of recyclable materials  
199 present in the solid waste that is brought to the county's or  
200 the municipality's facility for processing or disposal.

HB 1089

2026

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

203       403.705 State solid waste management program.—

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

206       (c) Planning guidelines and technical assistance to  
207 counties and municipalities to aid in meeting the municipal  
208 solid waste recycling goals established in s. 403.706(3) s.  
209 ~~403.706(2)~~.

210       (3) The department shall evaluate and report biennially to  
211 the President of the Senate and the Speaker of the House of  
212 Representatives on the state's success in meeting the solid  
213 waste recycling goal as described in s. 403.706(3) s.  
214 ~~403.706(2)~~.

215       **Section 6.** This act shall take effect July 1, 2026.